L. 5.47

THE ATTOURNY OF THE COURT OF Common Pleas

Or,

Directions and Instructions concerning his Practice therein.

Together with Fees due to the Judges and Officers there. And in the *KINGS-BENCH.*

And also Fees and Ordinances in *CHANCERY.*

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EMMANUEL
Collegium Emmanuelis
Cantabrigiæ

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AN

AN ATTOURNEY'S OATH.

YOu ſhall do no falſhood, nor conſent to any to be done in this Court; and if you know of any to be done, you ſhall give notice thereof to the Lord Chiefe Juſtice and other his brethren, that it may be reformed; you ſhall delay no man for lucre or malice; you ſhall increaſe no fees, but ſhall be content with the old fees accuſtomed; you ſhall plead no forraigne plea, nor ſue no forraigne ſuites unlawfully to hurt any man, but ſuch as ſhall ſtand with the order of the Laws, and your conſcience.

You ſhall ſeale all ſuch proces as you ſhall ſue out of this Court, with the Seale thereof. And ſee the Kings Majeſty and my Lord Chiefe Juſtice diſcharged for the ſame; you ſhall not wittingly nor willingly ſue or procure to be ſued any falſe ſuite, nor give aid or conſent to the ſame, on paine to be expulſed from the Court for ever.

And further you ſhall uſe your ſelfe in the office of an Attourney within the Court, according to your learning and diſcretion.

So help you God.

Then the Oath of Supremacy is taken.

The particular fees to be expended when one is ſworne an Attourney.

Inprim. To the Judges Box. 20 s.
To the Secondary of the chiefe Prothonotary who giveth you the Oath. 12 d.

To the Cryers, Court-keeper and other Officers. 11 s.

THen muſt you have a Note from the Prothonotary, in whoſe Office you enter, to the Clarke of the

the Warrants; which is uſually made in this manner.

De Term. S. H. Anno, &c.

A. C. genereſus Jur. in Cur. nono die F. iſto eodem Term. in offic. Attor̄ dicti dñi Rs. de Banco.

Or thus, *A. C.* Attorñ. *Jur.* to which the Prothonotary ſubſcribeth his name.

Then when you have delivered the ſaid Note to the Clarke of the Warrants, he will enter your name into the Roll of Attourneys names.

Who will have of you for the entering thereof, 4 s. 4 d.

And for the Roll of that terme. 4 d.

Courts of Juſtice at *Weſtminſter*, with the Judges and Officers thereto belonging.

Chancery.

THe Chancery, called of ſome *Officina Iuris Civilis Anglorum*, becauſe the proces which give Cauſes of Actions in other Courts iſſue out of this Court.

The Judges of this Court are.

The Lord Chancellor or Lord Keeper of the Great Seale.

Maſter of the Rolles, Keeper of moſt of the Records of the Court.

Six Maſters or Aſſiſtants, to ſhew what the equity of the Civill Law is, and what is Conſcience.

Clarke of the Crown is chiefe Guardian of all matters of the Crown.

Six Clarkes, are the Attourneys.

Regiſter, who draweth the Decrees and Orders of the Court.

Two Examiners are they which take the examination of witneſſes in Court.

The Controller of the Seale is to allow or diſallow all writs.

The Clarke of the Hamper, doth receive the fines for writs in reall actions, and the fees for the ſeales of Writs and Letters Pattents.

The Curſitors make all Originals.

The Sergeant carryeth the Mace before the Lord Keeper, and is to call any man before him at his commandment.

The Clark of the Pettibagge, maketh executions on Statuts ſtaple and recognizances, and in his Office are all actions at Law ſued, for or againſt Officers and Clarks of the Court.

King's

King's Bench.

THe Judges are the Lord Chief Juſtice, and three others.

Two chiefe Clarks or Prothonotaries.

The Secondary.

The Clark of the Crown.

The Clark of the *Niſi prius*, who is alſo *Cuſtus Brevium*.

The Clark of the Papers.

The Philizers.

The Prothonotaries enter the Pleadings, Orders, Judgements and Rules between party and party.

The Secondary is the Prothonotaries deputy.

The Clark of the Crown is to frame all the Indictments of Treaſon, Murder, Felony and all other crimes, and all manner of appeales : and keepeth the Records thereof.

The Clark of the *Niſi prius*, maketh forth all Records of *Niſi prius* on iſſues joyned. And being the *Cuſtos Brevium* fileth all Judiciall and Originall Writs,

after the Sheriffs have returned them, and is chargeable if any be imbeſiled from the file.

The Clark of the papers maketh up the Paper Bookes of ſpeciall pleadings, and makes copies of the ſame.

The Philizers make all proces upon originall Writs, and enter the ſame upon Record.

Common Pleas.

THe Judges are uſually the Lord Chief Juſtice and three others.
The *Cuſtos Brevium.*
The three Prothonotaries.
The Clark of the Warrants.
The Philizers for ſeverall ſhires.
The Clark of the Eſſoines.
The Clark of the outlaries.
The Clark of the ſuperſedeas.
The Exigenters.
The Clark of the Juries.
The Chirographer for fines.
The Clark of the Kings ſilver.
The Clark of the errors.
The Keeper of the treaſury.

The

THe *Custos Brevium*, hath the keeping of all writs returned in the Court.

The Prothonotaries and their Clarks draw pleadings and enter them.

The Clarke of the Warrants entreth all Warrants of Attourney, and enrolleth all deeds, acknowledged before the Justices of the Court.

The Philizers make all manner of proces upon orig. writs before apparance.

The Clark of the Essoynes doth enter the Essoynes and exceptions in actions wherein Essoynes lye, And marketh the Rolles used in Court.

The clark of the outlaries makes all *Cap. utlagat.*

The clark of the supersedeas makes supersedeas to exigents.

The Exigenters make the writs of Exigents, and Proclamation.

The clark of the Juryes, makes the writs of *Habeas Corpora*, and *distring. Iur.* for the tryall of issues.

The Chirographer doth make the Indentures of fines levied.

The clark of the Kings silver, doth enter on Record, the money which His

Majesty is to have upon fines for th Post-fines, according to the yearly valu of the land, as the same is rated on th writ of Covenant.

The clark of the Errors, makes all su persedeas upon writs of Errors, and doth transcribe the Records into the King Bench.

The Keeper of the Treasury hath th keeping of the Rolls entred of Record in the Court; and the making forth o Copies and exemplifications thereof, and also of all Records of *Nisi prius*.

Exchequer.

THe Judges are the Lord Treasurer and Chancellour of the Exchequer, the Lord chiefe Baron, and three other Barons of the degree of the Coyfe; and one Baron for Sheriffes accounts.

The Kings Remembrancer.

The Lord Treasurers Remembrancer.

The Prothonotary and foure Attourneys in the Office of pleas.

Two clarks of the Pipe.

Two

Two Officers of the firſt fruits and Tenths.

The Auditors.

The Tellors.

The Rent gatherers.

The Tally makers,

The clark of the Eſtreates.

The Remembrancers keep the Records, and enter Rules and Orders and Pleadings, to their ſeverall Offices belonging.

The Office of Pleas is to enter all Common Law proceedings, and pleadings for or againſt the Officers of the Court, or between party and party.

The clarks of the Pipe, make Leaſes and receive the Sheriffs accompts.

The Officers of the firſt fruits receive the money due to his Majeſty, by Eccleſiaſticall perſons.

Directions

Directions, Inſtructions and Obſervations for a clark or Practitioner in the Court of Common pleas.

You muſt have an eſpeciall eare to write faire, cleane and true.

When you are reteined in any juſt and honeſt cauſe, to deale carefully, truly and honeſtly, both for your own credit, and for the good of your Clyent.

YOur firſt Writ that is to be ſued forth in the proſecution of an Action of debt, treſpas, treſpas upon the Caſe, Covenant, Accompt, &c. is called the originall, which muſt be made by the Curſitor of the ſame Shire, in which you will lay your Action.

And this writ is ſued forth of the Chancery, and made Retornable *Coram Juſtic.* in the Court of Common pleas, at a certaine Retourne.

And between the Teſte, and Retourne of the ſame (as alſo in all other ordinary Writs, to be ſued forth and procured upon the ſame) muſt be fifteen dayes at the leaſt.

Note

Note that this Writ may beare Teſte out of the Terme, becauſe it is to be underſtood, that the Court of Chancery is alwayes open.

But all other proceſſe ſued forth of of the Court of Common pleas, muſt beare Teſte ſometime within the Term, and in the name of the Chiefe Juſtice of the ſame Court for the time being.

One writ is to beare Teſte from the returne of another. As namly the *Capias* from the return of the originall, the *Alias Capias* from the returne of the *Capias*.

The returnes of the ſeverall Termes are as followeth, *viz.*

Eaſter Terme.

A Die Paſche in xv. dies
A die Paſ. in tres ſeptimanas.
A die Paſche in unum Menſem.
A die Paſche in quinq; ſeptimanas.
In Craſtino Aſcentionis Dom.

Trinity Terme.

In Craſtino Scē. Trinitatis.
In Octabis Scē. Trinitatis.

A die

A die Sce. Trinitatis in xv. dies.
A die Sce. Trinitatis in tres ſeptimanas.

Michaelmas Terme.

A die Sci. *Mich.* in tres ſeptimanas.
A die Sci. *Mich.* in unum Menſem.
In Craſtino Animarum.
In Craſtino Sci. Martini.
In Octabis Sci. Martini.
A die Sci. Martini in xv. dies.

Hillary Terme.

A die Sci. Hillarij in xv. dies.
In Craſtino Purificationis bẽe Marie.
In Octabis Purificationis bẽe Marie.

They are briefly called and written ſhort as followeth, viz.

Eaſter Terme.

QUindena Paſche.	15 Paſ.
Tres Paſche.	tr' Paſ.
Menſe Paſche.	m̃ Paſ.
Quinq; Paſche.	qq; Paſ.
Craſtino Aſcentionis.	Cro'. Aſc.

Trinity Terme.

Craſtino Trinitatis.	Cro'. trin.
Octabis Trinitatis.	Oct. trin.

Quin-

Quindena Trinitatis.	xv. trin.
Tres Trinitatis.	tr. trin.

Mich. Terme.

Tres Mich.	tr's Mich.
Menſe Mich.	m̃. m̃.
Craſtino Animarum.	Craſt. Anim.
Craſtino Martini.	Craſt. Mar̃.
Octabis Martini.	Oct. Mart.
Quindena Martini.	xv. Mart.

Hillary Terme.

Octabis Hillarij.	Oct. Hill.
Quindena Hillarij.	15 Hill.
Craſtino Purificationis	Craſt. Pur.
Octabis Purificationis.	Oct. Pur.

The forme of an Originall upon an Action of debt for your Precipe.

Glouc. ſſ. Pr. Abrahamo Barker nup de L. in Com. tuo yoman Ald. A. B. de Ledbury in Com. Glouc. Yeom. r. Iohã. Hide Ar. xl.r.xv.Paſ.

Dannett.

You muſt obſerve that in the *Ald.* you write the *Defendants* name literally, as in the Bond, together with his Additions.

The Returne of the Originall in debt is thus, Joh.

Johan. Doo.
Pleg. de pr̃os.
Ric*us*. Roo.
Infranoi. Abrahamus nihil habet in balliva mea ubi Sum̃. poteſt.

Thomas Thinne Mil. vic.

If there be two defendants ſued in the Original, the Retourne muſt be thus:

Infranominat. A. & B. nihil habent in balliva mea ubi Sum̃. poſſunt.

And if more than two defendants, then thus:

A. B. & ceteri Defend. infraſcript. nihil habent in balliva mea ubi Sum̃ poſſunt.

And if you lay your Action in a City of which are two Sheriffes, Then you muſt Returne your Originall with this word *nr̃a.* inſtead of *mea.* And alſo adde (reſpoñs) before the Sheriffs names: *Reſpons C. E. & R. S. Vic.*

The forme of an Originall upon an action of Treſpas done with Cattle, followeth:

Glauc. ff *Si A. B. pon. C. D. nup. de H. in Comitatu b^a. quare vi. & armis Clauſum ipſius A. B. apud C. fregit, & herbam ſuam ad Valenciam C. ibid. nup. ereſcen. cum quibuſdam averiis depaſt. fuit conculcavit,*

&

& conſumpſit, Et alia enormia &c. R. ect. Hill.

Dannet.

In Battery thus, *Quare vi & ar. in ipſum C. apud D. inſult. fecit & ipſum verberavit vul. & mal. Ita quod de vita ejus deſperabatur, & al. &c.*

The Returne of an Originall in an action of treſpaſſe, action upon the caſe, and the like.

Iohan. Doo.
Pleg. de pro.
Ricus. Roo.

Infranominat. A. G. nihil habet in baliva mea per quod attach. poteſt.

Note, that every debt muſt be due and every action or cauſe of action ariſe and accrue before the *Teſte* of the Originall.

For all other Inſtructions for your Originals, as the nature and cauſe of the action ſhall require, I referre you to the Books called the Regiſter, and *Natura brevium*. And your own induſtry in writing Preſidents.

Your Originall being thus made and returned, you muſt then deliver the ſame to the Philizer of the ſame County, City

ty, or Shire, where your Action is layed, to to have ſuch further proceſſe made thereon, in ſuing to the outlary as that preſent Terme wherein you ſue forth the ſame, ſhall by reaſon of the length or ſhortneſſe of the time allow; obſerving the former Rule of 15. dayes between the *Teſte* and the Returne of every proceſſe.

The ordinary and uſuall Proceſſe thereupon, with the Philizer are theſe.

First, a *Cap.*
Secondly, an *Alias. Cap.*
Thirdly, a *Plur. Cap.*

The Returnes whereof are theſe which follow.

Infra. *non eſt invent in Balliva mea.* And if more then two defendants then thus.

A. C. & ceteri defendents infraſcript. non ſunt invent. in balliva mea.

Tho. Thinne Mil. vic.

But if you intend not to ſue the Defendant to an outlary, but that his body may be eaſily and readily arreſted, then you need not to proceed any further but to

layed, to the *Cap.* onely, and deliver the ſame there- to the under Sheriffe of the County, and t pre- procure a warrant thereupon, and get th the him arreſted; which is a great furthe- h or rance to your cauſe, for expedition of rving tryall and procuring of Judgement;

ween The chiefeſt Termes wherin to ſue pro- any matter or cauſe to the outlary, are, *Eaſter* or *Michaelmas Terme.*

For if you commence your ſuite in *Eaſter Terme*, you ſhall either out-law, or cauſe the party to appeare in *Michaelmas Terme* following: and if you begin in *Michaelmas Terme*, you ſhall do the like in *Eaſter* or *Trinity Termes* then next following.

And note that you may have an Originall Writ made Returnable of a precedent Terme: if you bring a note thereof to the Curſitor within the firſt week of the following Terme.

Note, that if an Originall writ be made againſt a Knight, Eſquire or Gentleman of worth, that hath ſufficient Lands and Tenements in the ſame County where the action is laid: Then you may not returne the ſame Originall

of courſe with a *Nihil habet*: But you ought to deliver the ſame writ to the under-Sheriffe of the ſame County, to be returned and executed by way of ſummons. And you muſt proceed thereupon by way of diſtreſſe.

For othtrwiſe the Defendant, if he have ſufficient in the ſame County, and a *Nihil be Returned*, may bring an Action on the caſe, for diſabling of him and his eſtate againſt the Atturney for the Plaintiffe, or againſt the Sheriffe of the ſame County, that ſhall ſo diſable him by returning of a *Nihil*.

Upon the making and ſuing forth of every originall writ, If the debt or dammages therein ſpecified, do exceed 40 l. Then there is a certain fine due for the ſame, to be paid to the King, as followeth.

Inprimis, From 40 l. to 100. marks 6 s. 8 d.
From 100 marks, to 100 l. 10 s.
From 100 l. to 200 marks, 13 s. 4 d.
From 133 l. 6 s. 8 d. to 166 l. 13 s. 4 d. 16 s. 8 d.
From 166 l. 13 s. 4 d. to 200 l. 20 s.

And

And ſo conſequently for every 100 marks, 6 s. 8 d.
And for every 100 l. 10 s.

IN *Eaſter Terme*, you may procure your *Cap.* and *Al. Cap.* Returnable in *Trinity Terme*; And in *Trinity Terme* ſue forth your *Plur. Cap. Exigent* and *Proclamation.*

IN *Michaelmas Terme*, you may ſue forth the originall *Cap.* & *Als Cap.* Returnable the ſame Terme, and a *Plur. Cap.* Returnable in *Hillary Terme* then next following, and in the ſame Terme procure your Exigent and Proclamation.

But if the party can be arreſted in the County where the Action is layed; And the Plaintiffe would proceed againſt him more ſpeedily, than by outlary: Then he may have a *Cap.* returned with *Non eſt invent.* by the Sheriffe of the County where the action is laid, and thereupon may procure a *Teſtatum* into the County where he liveth, to arreſt him there, the fee of which writ is, 12 d.

And all your writs muſt be filed with the *Cuſtos Brevium*, (for the time being) or elſe there will be errour found in your proceedings.

The *Plur. Cap.* being orderly procu
ed and ſued forth and accordingly r
turned, muſt then be delivered to the ex
genter of the ſame County wherein you
action is layed, and he will make yo
an Exigent and Proclamation then
upon.

The Exigent and Proclamation mu
be delivered to the under Sheriffe of th
ſame County where the Defendan
dwelleth to be executed according t
the forme of a Statute in that caſe mad
and provided, and according to the te
nor and forme of the ſaid writ.

The Charges of a ſute to the utlary are as followeth.

Pas 13°. Car. Rs.

Doo verſus Roo.

Finis Regi.	10 s.		
Orig. p^t. diem & intra.	1 s. 5 d.	17 s.	
Cap ſigill. & p^td.	1 s. 9 d.	11 d.	
Alca. ſig. & p^td.	1 s. 5 d.		
Fe dattorñ.	3 s. 4 d.		

Trñ

Trm̃. ſequeum.

Phucã ſig. & pd.	1 s. v d.		
Warrant. attorn,	4 d.		
Exſa.	1 s. 7 d.	8 s. 9 d.	
Proclam.	13 d.		
Retorn̄ proclam.	12 d.		
Feod. attor.	3 s. 4 d.		

Sum. tot. 26 s. 8 d.

If the Exigent be againſt ſeverall defendants living in ſeverall Counties, ſeverall Proclamations muſt goe to the Sheriffes of the ſeverall Counties, which will increaſe the charge.

Note That there muſt be of neceſſity five County dayes betweene the *Teſte* and the Returne of the Exigent, or elſe you ſhall be driven to ſue forth another writ, called an *Allocatus* from the ſaid Exigenter, to be delivered to the ſaid under-Sheriffe, to the great hinderance of your Clients cauſe.

Your *Allocatus* muſt beare *Teſte* with the returne of your former Exigent, and be returnable the next returne after the fifth County day. *Note* that the Exigent and Proclamation muſt have one and the ſame *Teſte* and Returne; And you muſt truly exa-

examine all your ſaid writs, that there be no difference or variance in the ſummes names or additions from your Originall.

THe ſame Terme that you ſue forth your Exigent and Proclamation, you muſt then file a Warrant of Attourney for the Plaintiffe with the Clark of the Warrants; and if you faile therein you commit error in the proſecution of your cauſe, to the great hindrance and hurt of your Client and danger of your ſelfe, in forfeiting ten pound by a Statute made in that behalfe.

The forme of the Warrant of Attorney, is as followeth, which muſt be engroſſed in parchment.

Glouc. ſſ. A. B. poloſnọ **C.** D. (*naming the Attorney*) verſ. T.F.nup de London geñ Ald. T.F. de S. in **C**om̃. Glou.geñ & R. T. nup de London gen. Ald. R. T. de eadem gen. de placito debi.

And

And in Actions of Treſpaſſe thus.

London ſſ. A. B. polo. ſuo C. D. verſus T. F. nup de Romford in Com̃ Eſſex *Butcher* de placito. tranſgr.

And ſo the like in other Actions.

THe exigent and procl. being Returned, you muſt then file the procl. with the *Cuſtos Brevium*, and if you file the ſame, or any other writ there before the Returne of the ſame be paſt, or upon the Returne day, then you muſt pay nothing for filing the ſame, Otherwiſe for every writ, 4 d.

A carefull and a good husband will be provident for his own benefit to ſave Poſt diems, *as his experience will teach him.*

NOte, That if you file not your Writs in the ſame Terme wherein they are Returnable, Then you ſhall be driven to pay when you go to file them with the *Cuſtos Brevium*, for the *Poſt Terminum* of them, which is, 20 d. For every writ every Terme the ſame is unfiled, except Exigents for

for which you pay onely one *poſt Ter minum*, 20 d

And ſometimes your writs unfiled, ma be refuſed by reaſon of a Caveat procure from ſome of the Judges in that behalfe to your great diſgrace, and the danger o your Client, which Caveat is called a N *recipiatur*.

THe Exigent being returned by the She riffe of the County, and you being willing to procure proceſſe of Outlary againſt the Defendant to arreſt him upon the ſame, he being Outlawed; You muſt then carry the Exigent ſo returned to the Clark of the Outlaries for the time being, and he will make you a writ or writs, into any County that you ſhall deſire him, yea, into many ſeverall Counties at one time; Becauſe thoſe writs are as well *Ex parte Domini Rs.* as for the Plaintiffe.

There be two ſeverall Writs of *Cap. utlagat.*

The one called, a generall *Cap. Vtlag.* being againſt the body of the Defendant onely.

The other ſpeciall, being againſt his body, lands and goods.

The

The fees of Cap. utlag.

The filing of the Exigent with the Clark of the Outlaries in the ſame Terme,	1 d
If it be with a *Poſt Terminum.*	20 d.
The generall *Cap. utlag.*	10 d.
The ſpeciall,	2 s. 4 d.
The Seale of either,	1 d.
The fee,	3 s. 4 d

And ſo much for ſuing a man to the Outlary, and procuring proceſſe thereon.

NOw how to diſcharge or avoid the ſame, the party being thereupon taken, or otherwiſe, which may be done diverſe wayes as occaſion ſhall ſerve.

FIrſt and moſt uſually, you may reverſe an Outlary by errour to be found in the Returne of the Exigent, which may be committed many wayes, either by miſtaking the County dayes, in not allowing a ſufficient time between any of them, in miſnaming of the perſon, or omitting, or miſtaking of the Sheriffes name to the ſame writ or Returne, by words of no ſignification or otherwiſe as experience and practice will better inſtruct you.

Se-

Secondly, by any errour to be found in the Returne of the Ploclamation, which may be committed many wayes as aforeſaid.

Alſo for want of the filing of the procl. with the *Cuſtos Brevium*.

Alſo for want of the Returnes, or in miſentry or miſtaking in the Originall *Cap. Al.* or Plur. which may be committed many wayes as aforeſaid.

For all which there muſt be diligent ſearch made with the *Cuſtos Brevium*, and elſewhere as occaſion ſhall be.

And if any ſufficient errour may be found in any of theſe or other things, as aforeſaid,

Then the file of writs, in which the ſame matter is filed, muſt be brought by the ſaid *Cuſtos Brevium* into the open Court, to be ſeen and peruſed by one of the Judges of the ſame Court. And the errors to be allowed or diſallowed, according to his judgement and diſcretion.

Note, That upon the Reverſall of an Outlary for want of Proclamation in all caſes, (and for any other default if the debt or damages demanded amount to 20 l. or above) There muſt be ſpeciall Bayle entered by the Defendant with ſureties

ties for him to anſwer to the Plaintiffes ſuite, and pay the debt or damages demanded, or yeeld his body to priſon if the Defendant ſhall be condemned in the action, which bayle muſt be taken out upon the remembrance in the ſame Protonotaries Office, where the ſame is reverſed; And then if the Party Outlawed be taken and arreſted, or feare to be ſo upon the ſame Outlary, A Writ of *Superſedeas* ſhall be made to the Sheriffe of the ſame County where he is, or feareth to be taken for his diſcharge, which Writ is to be made and ſigned in the ſame Protonotaries office.

Upon the reverſall of every Outlary in this nature, the Defendant is bound by his Atturney to appeare, and to accept of a Declaration at any time within two Termes then next following, after the ſaid reverſall, and then to anſwer according to courſe of Law.

Upon the reverſall of every Outlary, the Atturney ought to have a Note and Certificate thereof from the Protonotary to the Clarke of the Outlaries, that no further proceſſe may be made againſt the Defendant upon the ſame, and to ſee the booke of Outlaries diſcharged.

For which he muſt pay, 2 s. 8 d.

The

The fees of theſe reverſalls according to the occaſions are uncertaine, but the moſt uſuall fees are theſe.

FOr ſearch and copy of the Outlary, 8 d.
For ſearch with the *Cuſtos Brevium*, for every particular Terme you have need to uſe. 5 d.
For carrying the bundle of writs to the Hall, 2 s. 9 d.
For putting in the Bayle, 6 s. 4 d.
To the Box, 1 s.
To the Protonotary for entring the reverſall upon Inſufficiency of the returne, 8 s.
For the Judges fee, 4 s.
To the Clarke of the outlaries, for diſcharging the Book, 3 s. 6 d.
For the *Superſedeas*, 2 s. 7 d.
For the allowing thereof with the Sheriffe, 2 s. 4 d.

AN Outlawry alſo may be reverſed, although there be no errour in returne or entries of the Exigent, or Proclamation, and although the Proclamation be filed with the *Cuſtos Brevium:* as namely, if that the ſame Proclamation were not awarded, according to the forme, and

and effect of a Statute in that caſe provided into the County, and the Defendant named of the Pariſh where he had been and was dwelling and reſiding *infra annum & diem*, then next before the ſame ſuite was begun, and commenced, or that the Defendant be miſnamed therein in his ſurname, degree or myſtery; And this Reverſall muſt be done by way of a plea drawne by a Clark to that purpoſe, for which you ſhal find preſidents, in the books of entries, to which pleas the Kings Atturney Generals hand muſt be procured. But this being a troubleſome and chargeable way is not uſuall.

AN Outlary may be alſo reverſed by the Kings generall pardon, which is uſually granted at every Parliament; if ſo be the Defendant were Outlawed before the day thereby limited, or by a ſpeciall Pardon, Which muſt be done by way of plea and *Scire facias*, directed to the Sheriffe of the ſame County, wherein the action was firſt layed.

And if the Sheriffe do return *Scire feci*, upon the *Scire facias*, then you ſhall need but one writ of *Scire facias*; If not, then you muſt have two returned with *Nihil*, in this manner.

Infra

Infra nominat. *A. C. (videlicet le Plaintiffe)* nihil habet in balliva mea per quod ei Scire facere poſſum, nec eſt invent. in eadem.

A. C. mil. vic.

AND theſe *Scire facias's* muſt be drawn by a Protonotaries Clark, and then entred into a remembrance in the ſame Office, and a *Superſedeas* made, and a Certificate alſo made *ut ſupra*, from the Protonotary to the Clark of the Outlaries, that from thenceforth no further proceſſe may be made againſt the Defendant; and alſo entred upon record. And *Note*, in this Caſe alſo the Defendant muſt by his Atturney, appear and anſwer the Plaintiffe in his action, but no Baile ſhall be put in.

The fees thereof.

Inprimis, For the Copy of the Exigent,	8 d.
The two *Scire facias's* & ſeales,	5 s. 2 d.
The Returns,	2 s.
The filing of them,	8 d.
The taking them out into the Remembrance,	1 s.
The Copies,	3 s. 4 d.
The Protonotary,	5 s. 4 d.

The

The *Superſedeas* if need be,	2 s. 7 d.
The allowing thereof,	2 s. 4 d.
The Certificate,	1 s.
The Clark of the Outlaries,	2 s. 8 d.
The Atturney's fee,	3 s. 4 d.

AN Outlary alſo may be reverſed by writ of Errour upon a ſuggeſtion of Errour in the proceedings, as the want of the Warrant of Atturney, the not filing of the Originall, Cap. al. or pl. &c. and then your courſe therein is as followeth.

FIrſt, You muſt get the Copy of the Exigent or Cap. Utlagat. Then carry the ſame to the Curſitour of the ſame County where the Action is laid, and where the Defendant was outlawed, to have a writ of Errour made thereupon, which writ ſealed under the great Seale of *England*, muſt be brought to the Lord Chiefe Juſtice of the Common pleas, or his clark of the Errours for the time being, with the copy of the Outlary, and thereupon you muſt procure the Clark of the Errours of the Common pleas, to make a *Superſedeas* to the Sheriffe of the County where the Defendant is, or feareth to be arreſted for his diſcharge, and from him procure a Certificate to the clark of the Out-

O[illegible]ies, *ut Supra*: the charge of which *Superſedeas* is 33 s. 4 d. Beſides the ſearch and copy of the Outlary.

And in this caſe, the Defendant by his Attorney muſt appear upon a new Originall, to the Plaintiffes new Originall, to be ſued within two Termes.

And this is the moſt uſuall and ready way for the diſcharging of an Outlary (eſpecially in the vacation) if the Defendant be either arreſted, or feare to be arreſted; But Bayle muſt be put in, if the debt or dammages amount to 20 l. as in like caſes.

AND in this caſe alſo, the Atturney for the Defendant doth uſually take money of the Defendant for the Declaration, and his fee againſt the next Terme at the time of the delivery of the *Superſedeas* (eſpecially if the Defendant be not well known unto him) and a Warrant under his hand to appeare, plead or confeſſe the action.

HAving formerly ſet down the generall and particular inſtructions and directions to ſue to the Outlary, and to arreſt thereupon, and how to reverſe the ſame both for the Plaintiffe and Defendant:

IT followeth now to proceed to Declaration, Iſſue and Judgement after apearance made by Superſedeas to the Exigent, or to any ordinary Arreſt upon the meane proceſſe.

THe Defendant having appeared by putting in ſpeciall Bayle, or otherwiſe upon the *Cap. Als.* or *Plur.* in the Philizers Office where the ſame was ſued forth, or by *Superſedeas* to the Exigent brought and allowed with the Sheriffe: You muſt ſee what Atturney doth appear for him.

And then you muſt declare upon your Bond, Bill, Treſpaſſe, or otherwiſe as your caſe requires, alwayes obſerving this Rule, That there be no difference between the additions in the writs or ſums therein contained, and your Declaration; for if there be, the Defendant may plead variance therein and abatement to the writ.

If you be not skilfull in drawing Declarations or pleadings your ſelfe, your beſt courſe is to retaine a Prothonotarie's clark to draw and enter your cauſes for you.

By the courſe of the Court the Defendants are to anſwer the ſame Terme they appear, if the writs be returnable at the beginning of the Terme, eſpecially in iſſue Termes, but in other Termes if the actions

be not laid in *London*, the Defendants have for the moſt part imparlances or time to plead till the next Terme.

Note, That there be two kinds of Imparlances, the one Generall, the other ſpeciall After a generall Imparlance, the Defendant cannot plead in abatement to the writ excommunication or the like, nor any priviledge out of another Court, as a priviledged man.

But after a Speciall Imparlance many pleas may be pleaded which after the Generall Imparlance cannot be allowed: If a Speciall Imparlance be prayed, you muſt take for the entry thereof, 2 s.

If the Atturney for the Defendant upon receiving of the Declaration, do not crave that the condition of the bond may be entered with the Imparlance, and do not pay for the ſame, Then he is debarred from pleading of conditions performed at any time after, without moving the Court and paying 5 s. to the Judges Box.

Rules to anſwer muſt be entered in one of the Prothonotaries Offices, where the Atturney for the Plaintiffe doth uſually enter his Cauſes by the Secondary of the ſame Office upon the Bill of pleas, or by any other clark in a common remembrance,

for

for which there is 4 d. due, and upon the expiration of the ſame Rule, you muſt ſigne Judgement with the Prothonotary for want of anſwer.

Note, That if the Atturney for the Plaintiffe doe not declare againſt the Defendant upon his apparance, within reaſonable time, in the Terme after the apparance made, then the Atturny for the Defendant may alſo enter a Rule in the Bill of pleas, againſt the Plaintiffe to declare, and thereupon cauſe a *Non pros* to be entered with coſts for unjuſt vexation: For which he ſhall have Execution againſt the Plaintiffe: But if the Plaintiffe ſue as Executor or Adminiſtrator, he ſhall pay no coſts upon any Nonſuite.

THe next Terme after the Imparlance, the Atturney for the Plaintiffe may call to the Atturney of the Defendant, to anſwer to the Declaration, and if he doe not plead in due time, give him Rule to anſwer; which done, and the Rule expired, he may enter Judgement againſt the Defendant by *Nihil dicit*, for the debt and coſts, as is fit and uſuall in ſuch caſes, as is before expreſſed.

BUt uſually if the Plaintiffes action be juſt and right, and for good debts or juſt cauſe of action, the Atturney for the Defendant will yeeld to Judgement, either by way of *Non ſum informatus*, confeſſion or otherwiſe, So that Execution may be ſtayed, and no proceſſe made for the Plaintiffe againſt the Defendant, untill ſuch time as both the Atturneys ſhall agree upon.

Which muſt be carefully looked unto by the Atturney, for the Defendant, and done by putting his hand to the Atturne'ys dogget Book, for the Plaintiffe in this manner.

London ſſ. Kent pro Rogers }
Vicars pro Elford }
Non ſum informat. ita quod ceſſet executio uſque Crm̃ Trin.

Per Thomam Vicars.

Upon which Judgement you muſt get coſts taxed by the Prothonotary.

IF the Atturney for the Defendant doe plead unto the action, then you may joyn iſſue and goe to tryall by *Niſi prius*, as occaſion ſhall ſerve, at the next Aſſiſes holden for the County where the action is laid; or where the Venue riſeth, and then

then the proceedings are in this manner following.

IF the Defendant plead conditions performed, that is, That he hath paid the money, at the day and place where it ought to be paid according to the condition of the Obligation, and that the money was to be paid in another County, and not in the ſame where the action was laid: Then muſt the iſſue and *Niſi prius* be tried in the ſame County, where the money was to be paid, and not within the ſame County where the action was laid.

NOte, That ſome actions are locall, and ſome not; and ſome are reall, ſome mixt, and ſome perſonall: Every perſonall action as an action of debt, treſpaſſe, covenant, battery, *&c.* may be laid and commenced in any County whatſoever, according to the diſcretion of the Plaintiffe, although both the Plaintiffe and Defendant doe remaine and dwell out of the ſame; and and every reall and mixt action is to be laid in the ſame County where the cauſe of the ſaid action groweth, or the lands, tenements, *&c.* doe lye.

And ſo are actions of Treſpaſſe for Treſpaſſe with Cattle or the like.

IF at the tryall of any *Niſi prius*, the witneſſes of the Plaintiffe or Defendant, will not voluntarily appear without proces, to teſtifie the truth of their knowledge in the matter or cauſe in queſtion; Then you may have a *Subp. ad teſtificandum*, for the ſaid witneſſes out of the Prothonotaries Office, and therewith ſerve them, and compell them to appear.

The fee is, 2 s. 7 d.

When you proceed to Triall,

YOu muſt firſt enter the Declaration with the iſſue as it is joyned upon record in the Prothonotaries Office; And if the Action be layed in a County, then you may goe to Triall by *Niſi prius*, the next Aſſiſes to be holden for the ſaid County, or elſe in the City where the Action is layed.

And make out a *Venire fac.* upon the iſſue, and get the ſame returned by the Sheriffe of the ſame County or City. And upon returne thereof, you muſt alſo ſue forth a *Habeas Corpora Iur.* and deliver the ſame alſo to the Sheriffe, to warn the Jury and

and get the ſame alſo returned before the Aſſiſes.

Note, That if a cauſe be brought to tryall and a *Habeas Corpora Iur.* bee delivered to the Sheriffe who ſummons the Jury; And for ſome reaſon you deferre the tryall untill ſome longer time; Then when you bring it again to tryall, you need not be at charge of a ſecond *venire fac.* But you may take a Copy from the *Cuſtos brevium* of the firſt writ (if you kept it not in your hands) paying him for it, 8 d.

And for the ſearch, 5 d.

Upon which Copy or old writ, the clark of the Juries will make you an *Als. habeas Corp.* or *Plur.*

Paying for it, if in debt or Treſpaſſe, 10 d.

And in other actions, 1 s. 4 d

And for the continuanc every Terme, 4 d.

THen you muſt ſue forth your Record of *Niſi prius*, ingroſſed in Parchment verbatim according to the Record entered in the Prothonotaries Office; And then examin the ſame with the Prothonotaty, if it be upon an iſſue

joyned the ſame Terme: And then carry the ſame to the clark of the Treaſury (for the time being) giving him ſuch fees for ſigning and making up the Record as are hereafter ſpecified.

But if the iſſue were entered of a former terme, then muſt you deliver the paper booke of the iſſue to the clark of the treaſury who will examine the ſame by the Roll and make up the Record thereupon.

Which done and the ſame ſign'd by him or his deputy, you muſt ſeale the ſame with the Lord chiefe Juſtice of the Common Pleas for time being, who hath a ſeale for that purpoſe.

And then deliver the Record ſo ſealed together with the *Habeas Corpora Iur.* returned by the Sheriffe to the clark of the Aſſiſe for the ſame County where the matter is to be tryed.

The generall fees are theſe, in an action of debt.

FOr the *Venire fac.*	2 s. 7 d.
For the Returne thereof,	2 s. 4 d.
For the *Poſt diem*,	4 d.
For the *Habeas Corp. Iur.* expedition and ſeale,	2 s.
For ſummoning the Jury,	12 s.

If

If in *London* or a Corporation, but 4 s. 4 d.
For ſigning the Record with the Clark of the Treaſury, if the ſame exceed not three ſheets, 2 s.
For every ſheet exceeding, 4 d.
For examining the Jurata 4 d.
For writing the Record, for every ſheet, 4 d.
For examining the ſame with the Prothonotary, 12 d.
For the Seale, 2 s. 2 d.

AT the Aſſiſes you are upon the delivery of the Record of *Niſi prius*, to the Clark of the Aſſiſe, to pay the Judges fee, to reteine your Counſell, and produce your witneſſes for the tryall of the truth of your cauſe, according to the iſſue.

The fees whereof at the Aſſiſes are theſe amongſt others.

FOr the Judges fee in putting in the Record of *Niſi prius*, 11 s. 8 d.
To every Counſellor you retaine at leaſt, 10 s.
For reading the Record, 1 s.
For the Marſhals fee, 2 s.
For the Jury 8 d. a peece, 8 s.
To the Bayliffe that keepes the Jury, 2 s.

For

For the Cryer, 1 s.
For the Oath of every witneſſe, 4 d.
For a Nonſute,
For a Tales,
For a privy verdict,
For a Warrant of Atturney, if the Atturny be abſent, 4 s.

And note that fees differ in ſeverall Counties by Cuſtome.

BUt if the tryall be had before the Lord Chiefe Juſtice of the Common pleas in *London*.

Theſe are common fees to be added to the former.

FOr the green cloth, 1 s. 6 d.
To the barre keeper and Hall keeper, 2 s.
To the Judges groome or footeloath man, 1 s.
To procure the Record to be read,
For lights, if the cauſe be tryed by Candlelight.

THe tryall being had and verdict paſſed for your Client, at the next terme following, you are to call for the returne of the *Poſtea* from the Clark of the Aſſiſe, and thereupon to bring the ſame to the

the Prothonotary to get coſts aſſeſſed; for which you muſt bring him a Bill of diſburſements under your hand (if your charges have been extraordinary, or otherwiſe you ſhall not need ſo to doe) and thereupon cauſe Judgement to be entered.

The generall fees are theſe which follow.

For the returne of the *Poſtea*, 2 s.
For ſigning the Coſts, 1 s.
For entering the Judgement if the Jury did fully appeare, 2 s. 4 d.
If there were a Tales, then more, 2 s.
For the Copy of the Judgement, s1. 4 d.

WHich done, you may then thereupon procure proces and writs of execution by *Cap. ad ſatisfac: fieri fac. Elegit*, or otherwiſe, according to your deſire, and as the nature of your action ſhall allow or require.

NOte, That the *Cap. ad ſatisfac.* is againſt the body only: The *Fieri fac.* againſt the goods onely, and the *Elegit* againſt the moyety or any one halfe of his Lands and Tenements, and all his goods and Cattle, (his Oxen and Plough Cattle onely excepted) to have and to hold the goods as his own goods, and the ſaid moyety

Of Warrants of Atturney.

moyety of the lands untill his debt and coſts ſhall be fully ſatisfied and paid: But note this, that after an *Elegit* executed and filed, you can never have any other execution.

And note alſo, that if you firſt ſue forth a writ of *Fieri fac.* againſt the goods of the Defendant, and by vertue thereof levy part of your debt, and not the whole, then you may afterwards have a *Cap. ad ſatisfaciendum* againſt his body, or an *Elegit* for the reſt; But if you firſt impriſon his body by vertue of a *Cap. ad ſatisfaciendum*, then you cannot have a *fieri fac.* againſt his goods, or an *Elegit*. If you have ſeverall Judgements againſt ſeverall men for one and the ſame debt, They being joyntly and ſeverally bound for the ſame; you may have two or three ſeverall executions againſt them all, untill the debt and coſts be ſatisfied by one of them: But cannot have the whole of every of them.

And if the Defendant be in another County, and not to be found in the ſame County where the action was laid, then you muſt ſue forth a *Cap. ad ſatisfac.* into the ſame County where the action was laid, and get the Sheriffe to return a *Non eſt inventus*, and then ſue forth a *Teſtatum* into

into the County where he is to be found.

The particular fees due to the Prothonotary for common entries are theſe following.

FOr entring of every common action of debt or treſpaſſe, and for every common plea in the ſame, 1 s.

For entry of every Declaration in actions on the caſe, covenant and the like, and pleas in the ſame, not exceeding three ſheets, 2 s.

And for every ſheet above three, 8 d.

For the entering of every common condition, 1 s.

For every ſpeciall condition not exceeding three ſheets, 2 s.

And if the ſame exceed three ſheets, then for every ſheet, 8 d.

Your Common and uſuall pleas to Bonds, Bils, Treſpaſſes, or other common Actions are theſe following.

COnditions performed, to a Bond *Salvit.ad diem.* To a Bill penall: for to a ſingle Bill it is not allowed.

Non eſt factum.

Plene adminiſtravit:

Ne unques executor.

Per dures.

Per

Per minas.
Non Cul.
Non Cul. al novel aſſignment.
De ſon aſſault demeſne:
Denis age.
Non aſſumpſit.
Nil debet per priam̃.
Nil debet per legem.

IF the debt grow for meat, drink, lodging, or apparell had by an Infant; Then the Defendant cannot plead *Deins age.*

When you joyne iſſue upon a Bond where the Defendant pleadeth not to the condition of the Bond, there the Plaintiffes Atturney upon delivery of a copy of the iſſue, never maketh a copy of the condition, as when he pleadeth *Deins age, per dures*, or the like.

UPon the entry of every Judgement by *Non ſum informatus*, or *Nihil dic.* the Atturney for the Plaintiffe is to put in two Warrants of Atturney in the ſame terme, wherein the Judgement is entered; the one for the Plaintiffe, the other for the Defendant: And upon every iſſue joyned, one for the Plaintiffe onely; But if the Defendant appeared upon the exigent, and

Warrant

Warrant of Atturney was put in for the Plaintiffe, at the ſuing forth of the Exigent, then the Plaintiffe upon iſſue or Judgement ſhall not need to put in another Warrant of Atturney for himſelfe.

The formes are theſe.

London ſſ. A. C. po l'o. ſuo Willm̃ Johnſon verſ. G. C. nup̃ de T. in Com̃ E. yoman ald. G. C. de T. in Com̃ Ebor. yoman de placito debiti.

London ſſ. G. C. nup. de T. in Com̃ Ebor. yoman Ald. G. C. de T. in Com. Ebor. yoman po l'o. ſuo T. A. verſ. A. C. de placito debi.

Or otherwiſe as the nature of the action is, de Placito Tñſgr. de placito conventionis fractæ, &c.

Which Warrants of Atturney muſt be made altogether in a piece of Parchment, written in Court hand, and filed with the Clarke of the Warrants.

IN every Action of Treſpaſſe, Covenant, action upon the caſe, Battery, Impriſonment, and the like actions, if a Judgement be had againſt the Defendant, by *Non ſum inform*, *Nihil dicit* or otherwiſe

wiſe without tryall by *Niſi prius*; Then upon the entry thereof before you can have dammages ſuſtained therein, or the coſts of ſuite, you muſt ſue forth a Writ of Inquiry of dammages, directed to the Sheriffe of the County where the action is layd, who will accordingly execute the ſame by the oath of twelve men, of which time of execution thereof 8. dayes notice muſt be given to the Defendant or his Atturney, which Writ is to be made and ſigned in the ſame Prothonotary's Office, where the Judgement was ſo entred as aforeſaid; And thither returned, and delivered to the Prothonotary, that dammages and coſts may be entered upon the ſaid Judgement accordingly; and thereupon the Plaintiffe may ſue forth his Writ of Execution.

FOr every twenty ſhillings that is given by the Jury in any ſuch caſe, if the dammages doe come to 5 markes or above, the Prothonothary is to have for his fee 2 s. before he will ſigne the Judgement or ſuffer the ſame to be entered upon Record, which is called dammage cleer.
As for example.

If

IF there be 20 l. given by the Jury for dammages, the Prothonotaryes fee is, 40 s.

If 40 l. 4 l.

If 100 l. 10 l.

And ſo according to that rate,

Beſides the ordinary fees for entring the Judgement.

The Clarks fees of the Prothonotaries office are theſe.

FOr every common Declaration in debt, Treſpaſſe, Aſſault and Battery, for every ſheet, 4 d.

For every ſpeciall matter as covenant title of land, or reall action, for drawing the ſame, for every ſheet of the Plaintiffe, 8 d.

And for drawing every ſpeciall plea in Barre of the Defendant, 8 d.

For drawing every Replication, rejoynder, or ſurrejoynder, every ſheet. 8 d.

For every ſheeet in drawing prohibitions 8 d.

For every ſheet in an *Audita Querela*, 8 d.

For every Caſã or fifã, 2 d.

For every writ of *Teſtatum*, 4 d.

For every *Superſedeas*, 8 d.

For every other Judiciall Writ, 8 d.

But if the writ be ſpeciall and long as Prohibition, &c. Then every ſheet, 4d

The Prothonotaries fees for ſigning Writs.

For every *Cap. ad ſatisfac.* or *Fieri fac.* 4d
For every *Teſtatum*, 8d
And for every ſpecial writ, 1s. 4d

IF at a tryall by *Niſi prius*, the Jury do not appeare, ſo that there be not 12. to make up a full Jury; Then muſt your Counſell crave of the Judge a *Tales de Circumſtantibus*, to make up a full Jury to be returned by the Sheriffe; and then you are to pay the under Sheriffe for the ſame.

Upon the entring of every ſpeciall Verdict. the Prothonotary is to have for every ſheet, 8d.

And the Clark for drawing every ſheet, 8d.

To every ſpeciall plea, replication or rejoynder, and to every demurrer, in what nature ſoever, you muſt procure the hand of a Serjeant at Law. his fee is at leaſt. 10s.

NOte, That upon every ſpeciall Verdict and demurrer, the clark is to make ſix ſeverall Books; One for the Plaintiffe, one for the Defendant, foure other for foure Judges.

For

For every ſheet whereof, he is to have
in Actions perſonall, 4 d.
In action reall or mixt, 8 d.

NOte, That the clark of the Prothonotaryes Office, which is the Clark for the Plaintiffe, is to draw the Declaration for the Plaintiffe, to give copy thereof to the Defendant, and to draw the generall pleas in barre for the Defendant, and all other proceedings therein, as well for the Plaintiffe as for the Defendant, and to take fees for the ſame of both ſides, as cauſe ſhall require.

If after Judgement had and entered, the Defendant be not eaſily to be arreſted, then may the Plaintiffe proceed to an Outlary after Judgement againſt him.

The courſe whereof is thus.

FIrſt, Then he muſt cauſe a *Cap. ad ſatisfac.* to be made for the debt and coſts, as in the Judgement made into the ſame County where the action was laid; and get the ſame returned by the Sheriffe with *Non eſt invent.*

THen he muſt carry the ſame to the exigenter of the ſame County, who will make an Exigent thereupon, which muſt

be delivered to the under-Sheriffe to be executed and returned accordingly, as in other actions before mentioned upon the meane proceſſe.

NOte, That in this caſe there ſhall need no Proclamation at all againſt the Defendant, to give him notice thereof.

THe Exigent being returned, you may ſue forth the proces of Outlary, from the Clark of the Outlaries either generall or ſpeciall, as in an action of debt, afore ſpecified; whereupon the Defendant, if he be arreſted, cannot be diſcharged without ſatisfaction to the Plaintiffe, and reverſing or pardon of the Outlary.

This is the utmoſt and laſt proceedings that the Common Law doth or can afford in any caſe whatſoever.

The fees are as follow.

FOr the *Cap. ad ſat.*	13 d.
Return thereof,	4 d.
For the *Poſt diem*,	4 d.
For the Exigent,	1 s. 7 d.
For the Returne thereof,	4 d.
For the generall *Cap. utl.*	11 d.
For the ſpeciall *Cap. utl.*	2 s. 5 d.

Note,

NOte, That in this caſe you may have either generall or ſpeciall *Cap. utl.* into as many ſeverall Counties as you will, either in *England* or *Wales*.

NOte, That no proceſſe whatſoever iſſuing and to be made in or out of the Court of Common pleas, can be directed or executed to or by any under-Sheriffe in *Wales*, but onely Elegits, Extents, Proclamations upon the meane proceſſe *ut ſupra*, *Cap. utl.* Generall or Speciall, upon the meane proceſſe, or upon Outlary after Judgement.

If the Defendant be Outlawed after Judgement, if he cannot be arreſted within a yeare and a day, yet the Plaintiffe ſhall not need to renew Judgement by way of *Scire fac.*

But it is otherwiſe if he be not Outlawed; for then after a yeare and a day, the Plaintiffe muſt renew his Judgement by *Scire fac.* before he can have execution againſt the Defendant, which is to be done in this manner following.

FIrſt, The Plaintiffe muſt ſue forth a *Scire fac.* againſt the Defendant, in the County where the action was laid directed to the Sheriffe, to give notice to the Defen-

dant to appeare, and ſhew cauſe why the Plaintiffe ſhould not have execution againſt him for the debt and coſts formerly recovered.

To which Writ, if the Defendant can ſhew any juſt cauſe as a Releaſe, Satisfaction or any other juſt Cauſe, or ſufficient diſcharge: Then he may appeare, and plead in barre his diſcharge.

If the Defendant upon return of the ſame *Scire fac.* doe not forthwith appear and plead, the Plaintiffe ſhall have preſent execution againſt him.

But if the Defendant dye after the ſaid Judgement obtained, and before ſatisfaction of the ſaid debt had, unleſſe the Sheriffe doe returne upon a *Scire fac.* againſt the Executor or Adminiſtrator *quod ſcire fecit*, &c. upon the firſt *Scire fac.* then the Plaintiffe muſt ſue forth a ſecond *Scire fac.* againſt the Executor or Adminiſtrator of the Defendant; and upon their ſecond default the Plaintiffe ſhall have preſent execution againſt them.

NOte, That theſe ſeverall Writs are to be made and ſued forth together with the Execution in and out of the ſame Protonotarie's Office, where the firſt Judgement

ment was entered and the said writs of *Scire fac.* together with the new Judgement had thereupon to be entered upon record in the same office, and to be filed with the *Custos Brevium.*

The severall fees are these.

FOr search in the Docket for the number Roll,	4 d.
For searching in the Treasury,	4 d.
For the Copy of the Judgement,	2 s.
For the Clark for making the writ,	8 d.
To the Prothonotary for signing it,	16 d.
For the seale of it,	7 d.
For the return with a *Nihil.*	1 s.
For the return with a *Scire feci,*	2 s.
For entring the Judgement by default, upon one *Scire fac.*	2 s.
Upon two *Scire fac.*	4 s.
For the Copy,	2 s.
For taking the writs into a remembrance,	1 s.
For the Rule,	4 d.
For a Warrant of Atturney,	8 d.

Upon these proceedings duly and truly performed, the Plaintiffe may have Execution against the Defendant, by Cap. ad satisfacien. *by Elegit or otherwise at his pleasure,*

as is ſpecified in writs of Execution, Vt ſupra. And if the defendant be dead, then there ſhall iſſue againſt the Executor a Scire fac. de bonis teſtatoris.

Proſecution to Judgement, and Execution upon ſpeciall Bayle.

IF the Defendant be arreſted by *Cap. Als.* or *Plur.* And the Plaintiffe hold him not to be ſufficient to anſwer the debt or dammages contained in the Writ, the ſame amounting to 20 l. or above. In this caſe the Plaintiffe upon the return of the Writ may crave ſpeciall Bayle to be put into his action, which the Defendant muſt put in before ſome Judge of the Court, who will accept of ſuch Bayle, as the validity or weight of the cauſe doth require, or in his diſcretion ſhall be thought fit.

IF the apparance be upon arreſt by *Cap. Als* or *Plur.* then the Bayle, muſt be taken and entered by the Philizer of the ſame County, where the action was layd, and who made the ſaid proceſſe. But

BUt if the Defendant be arreſted in the Major Bayliffes or Sheriffes Court of any City, or Corporation, and the Defendant by Writ of priviledge, or *Habeas Corpus*, doe remove the ſame out of the ſame Corporation to be tryed at the Common Law:

Then the Bayle being taken by any Judge of the ſame Court muſt be entered in the ſame Protonotary Office, where the ſaid Writ iſſued and was ſued out.

THe Defendant being as aforeſaid Bayled, the Plaintiffe may proceed and declare againſt him as the nature of his cauſe and action ſhall require; obſerving the ſame forme and manner in every reſpect and point, to procure Judgement and Execution, by way of *Nihil dicit*, *Non ſum informatus*, Confeſſion of the action, Tryall by *Niſi prius*, or otherwiſe, as is formerly ſet down and expreſſed upon apparance by *Superſedeas*.

AND the Plaintiffe having obteined Judgement againſt the Defendant, and perceiving that he is not eaſily to be arreſted and taken in Execution, or not ſufficient to ſatisfie the ſame; But knoweth the Bayle to be better able:

Then

Then the Plaintiffe may at his choi leave the Defendant, and proſecute th Bayle, in this manner following.

FIrſt, The Judgement being entered, h muſt ſue forth Execution by *Cap. a ſatisfaciendum*, againſt the Defendant directed to the Sheriffe of the ſame Coun ty, where the action was firſt laid; an upon the return thereof get the ſame re turned, by *Non eſt invent.*

THen he muſt procure a Writ of *Scir fac.* againſt the Bayle, to ſhew cauſe why the Plaintiffe ſhould not have execution againſt them according to the recovery or Judgement, ſo had againſt the Defendant, which Writ if the Sheriffe doe return a *Scire feci*, then there needs no ſecond Writ to be made. But if he return a *Nihil*, Then there muſt be a ſecond Writ of *Scire fac.* Which being returned likewiſe with a *Nihil*, then the two writs of *Scire fac.* muſt be taken out upon a remembrance in the Prothonotaryes Office, with the returnes of them, and Rules thereupon given, and filed accordingly with the *Cuſtos brevium*: And thereupon if the Bayle ſhew not cauſe to the contrary, Judgement by default ſhall be entred againſt

gainſt them in the ſaid Prothonotaries Office, for the ſumme in which they became Bayle. Whereupon the Plaintiffe may take Execution out againſt them, either by *Fieri fac.* or *Elegit*, but not by *Capias ad ſatisfaciendum*.

Note, That in this caſe, the Plaintiffe may arreſt and ſue the Bayle by originall at the Common Law, for the ſumme for which they became Bayle, and arreſt their bodies by *Cap. Al.* or *Plur.* or ſue them to the Exigent thereupon, and declare upon the ſaid Recogniſance, uſing all proceedings therein, as in an action of debt. But in this Caſe the action muſt be layd in the County of Midd. onely, where the Records doe lye.

AND if the Bayle cannot be arreſted in the County of Mid. upon a *Cap.*&c. You may returne a *Non eſt invent.* and ſue forth a Writ of *Teſtatum* thereupon, and arreſt them in any other County where they are to be found, obſerving all the proceedings, as in an action of debt.

How

How to prosecute a Writ of Error, and Reverse a Judgement if any cause of Errour be to be found.

AS there are divers Causes formerly set down how to reverse an Outlary, so there are some of them may serve to reverse a Judgement, which notwithstanding, I will particularly relate.

AFter a Judgement had and recovered by *Non sum informatus*, Confession or otherwise, if it be not by triall of *Nisi prius*, these Causes of Errour, or any of them, being duly found may serve to reverse, and make voyd the same.

1. IF there be any materiall difference or variance between the additions in the originall, the *Cap. Al.* or *Plur.* the Exigent or Proces, and the Judgement; There is good Cause of errour.

If

IF the debt in either of them, and the Judgement doe not agree, but differ; There is good cauſe of Errour. 2.

IF the Writs be not ordinarily and duly returned, and filed with the *Cuſtos Brevium*; There is juſt cauſe of Errour. 3.

IF there be not Warrants of Atturney duly filed, and put in the Office accordingly, as the cauſe requireth; As one for the Plaintiffe, upon ſuing forth of the Exigent or upon the entry of the Judgement; There is alſo good cauſe of Errour. 4.

For which you are to make ſearch with the Clark of the Warrants for the time being.

And for all the other Errours you are to ſearch, and get Copies of the writs from the *Cuſtos Brevium*, and to conferre the ſame with the Judgement as it is entered upon Record with the Prothonotary.

IF the Defendant be arreſted by a Writ of *Teſtatum* in a forraign County, and no writ of *Cap. ad ſatisfaciendum* returned againſt the Defendant with a *Non eſt invent.* in the ſame County where the action was laid, and filed with the *Cuſtos Brevium*: There is alſo good cauſe of Errour in the execution, but not in the Judgement. 5.

If

If the Defendant be not arreſted and take in execution, but would avoid the ſame; Then muſt he proceed as followeth.

FIrſt, He muſt get a Copy of the Judgment, with the additions of the par Defendant; and of the debt and coſts ſuite literally, as it is entred upon the Record.

And for the due finding thereof, you muſt goe to the Prothonotaries Office, and ſearch the Docket of that Terme, when the Judgement was entered; and having found the cauſe, take a note of the number Roll, whereby to finde out the Judgement in the Rolls at Weſtm. And then repaire to the record in the Treaſury there, and ſee the Roll, and take a true Copy of the Judgement in all things, *ut ſupra*.

Then carry the ſame or a Copy of the Precipe debt and Coſts to the Curſitor of the ſame County, where the action is laid, who thereupon will make you a Writ of Error.

By orders of the Court cauſe of Error ſhould be ſhewed before the writ of Error be allowed; but that is not now inſiſted on.

Then

THen muſt you goe with the writ of Errour to the Clark of the Errour (for the time being.)

And carry with you good ſureties, ſuch as the validity of the Cauſe doth require, who will take out the Judgement with the debt and Coſts of ſuite into his book of Remembrance for bayle.

And thereupon they muſt be brought with the writ, to the Lord Chiefe Juſtice of the Common Pleas (for the time being) and there enter bayle in Recognizance together with the Defendant in double of the debt; That the Defendant hath good cauſe of Errour, and ſhall follow the ſame writ with effect; And if the Defendant ſhall happen to be condemned therein, and not able to prove ſufficient Errour therein; Then that the Defendant ſhall pay the condemnation therein with further coſts of ſuite, ſuch as ſhall be allowed, or they the ſureties for him to do the ſame.

Whereunto the Judge ſubſcribeth his hand, and thereupon giveth warrant to the ſaid Clark of the Errours, to make *Superſedeas*, one, two, or more, as the Defendant for his indempnity or ſaveguard from arreſt ſhall require, which writ or writs, the Defendant is to allow with the Sheriffe

Sheriffe of the ſame County or Counties where he ſtandeth in danger or feare of execution, before he be arreſted, or the ſaid execution executed either upon body or goods: Or elſe the ſaid *Superſedeas* is of no force, nor can be allowed, whereof the Defendant is to have ſpeciall care.

And this may be done as well in the Vacation as Terme time, if the Defendant be not arreſted or have his goods taken in execution by vertue of the ſaid Judgement.

BUt if the Defendant be taken in execution, before the *Superſedeas* be procured, then the *Superſedeas* cometh too late, for the Defendant ſhall not be releaſed before the Judgement be reverſed by the ſaid writ of Errour in the Kings Bench.

FOr reverſall whereof he muſt not onely ſue forth his writ of Errour *ut ſupra*, but alſo cauſe the whole Record of all the proceedings from the Originall, and the beginning of the ſaid cauſe (if Errour be not found in the entry of the Judgement it ſelfe) to be certified by the ſaid Clarke of the Errours out of the Common-Pleas into the Kings Bench, and aſſigne cauſe of Errour.

The

THe Record being thus certified, and Errour aſſigned upon the Returne of the ſaid Writ of Errour: He is to take Copies thereof, and thereupon ſue forth a Writ of *Scire fac.* to the Plaintiffe, in the action ad audiend. Errores.

To which the ſaid Plaintiffe may appear and plead, as he ſhall ſee Cauſe.

But the moſt uſuall and Common Plea is.

In nullo eſt erratum.

THe Plaintiffe having ſo pleaded, and willing to have the ſaid Errour argued, and the Judgement confirmed-if cauſe ſhall require,

The Defendant according to his recogniſance, muſt ſo follow the ſame with effect, or elſe he will be condemned therein,

THe Defendant is then to labour for a day given, for the arguing of the ſame Errour, if the cauſe ſhall ſo require;

But if the Defendant doe delay the Plaintiffe, the Plaintiffe is to ſue forth two *Scire fac.* againſt the Defendant, to ſhew cauſe why he ſhould not have execu-

tion. And if at the returne of the secon *Scire fac.* Errours be not aſſigned, Judg ment is confirmed for the Plaintiffe.

Note, That in this Caſe upon a writ o Errour brought upon a Judgement had in the Court of Common Pleas, an Returned into the Court of Kings Bench the proceedings thereupon muſt be onel in the Kings Bench; to which Court an no other it doth properly belong.

But a writ of Errour upon a Judgemen in the Kings Bench, muſt be returnable i the Exchequer Court; and the cauſe o Errour is onely heard and determined be fore the Lord Chiefe Juſtice of the Cour of Common Pleas, the Lord Chiefe Baron of the Exchequer, and the reſt of the Judges and Barons of thoſe two Courts, and not before the Juſtices of the Court of Kings Bench.

IF the Errour be found and allowed by them to be ſufficient and good, then the ſaid Judgement is by their full conſents and Judgements to be reverſed and made voyd.

Note,

Note, That notwithſtanding the reverſall thereof, the Plaintiffe may commence a new action againſt the Defendant for the ſame Cauſe, if he ſo think it good, and have juſt ground for the ſame.

IF the Errour be not found good and allowed, then is the former Judgement affirmed, and further coſts for delay of execution allowed to the Plaintiffe who may preſently ſue forth execution, out of the Court of Kings Bench, either againſt the Defendant or his ſureties, as he thinketh beſt, and proſecute againſt them, either by *Scire fac. &c.* as in the caſe of ſpeciall Bayle, *ut ſupra.* or by an action of debt.

But if any writ of Errour be ſued in any other action then an action of debt, no bayle is required.

The fees in this Caſe are very uncertain, and cannot be expreſſely ſet down.

But the heads of proceedings may be theſe.

FOr ſearch of the Record to find the Errour,
For Copies of the Records,
For the Writ of Errour,

For the Lord Chiefe Juſtices fee,
For aſſigning cauſes of Errour,
For putting in Bayle,
For certifying the Record,
For an *Habeas Corpus*,
For the allowing,
For the Returne,
For the *Superſedeas*,
For the Copy of the Writ of Error,
For drawing the Diminution, if need require,
For the Copy thereof,
For entring the Errours and Plea,
For a *Certiorari*, if need require,
For a certificate from the *Cuſtos Brevium*,
For entering the ſame and Diminution,
For the Warrant of Atturney,
For the Copies of the Bookes for the Judges,
For Counſellors fees,
For affirming the Judgement,
For the Copy thereof,
For the *Scire fac.* and entering,
For filing and returning,
For Atturney's fees,

Cum multis aliis, &c.

Note

NOte, That if upon any Judgement recovered and had againſt the Defendant, he be taken in execution, or have his goods taken, or his Lands extended for the ſame; and upon full payment or ſatisfaction of the debt and coſts, the Plaintiffe either in perſon or by his Atturney, doe acknowledge ſatisfaction upon Record, in the ſaid Court wherein the ſaid Judgement was entered, and if the Defendant at no time make from thenceforth, or after a releaſe of Errours to the Plaintiffe, and that there be good cauſe of Errour found in the ſaid Judgement; The Defendant may bring a writ of Errour upon the ſaid Judgement, and upon arguing thereof *ut ſupra*, the Errours being allowed by the Judges, and the Judgement thereupon reverſed; the defendant may ſue forth a Writ of Reſtitution againſt the Plaintiffe, and recover back again the full debt and coſts of ſuite ſpecified in the ſaid Judgement. But if he have made a releaſe, he is voyd of remedy.

NOte, That if there be a Judgemen recovered againſt the Defendant b way of *Niſi prius*, and Verdict o twelve men; Then unleſſe he can find ſome good Cauſe in the Originall or th entring or giving of the ſaid Judgemen after the Verdict ſo given, and had: He cannot be admitted to ſue forth a Writ o Errour; For by ſeverall Statutes, man great faults, miſpriſions, or Cauſes of Er rour, had or committed in proſecution o the ſaid Cauſe before the ſaid Verdict are taken away.

NOte alſo, That if the Defendant b Outlawed, after judgement, an there be good cauſe of Errour to b found, as well for or in the ſaid judge ment as Outlary, The Defendant ma bring a Writ of Errour, and be Bayled fo both, and have a *Superſedeas*, as well for th ſafeguard of his body as goods, befor they be arreſted or taken upon the ſame.

The ſeverall fees for the removing of an Cauſe out of a Corporation into the Common Pleas, by way of writ of priviledge, or habea corpus, the Defendant having Cauſes depend ing in the ſame Court.

Inprimis,

In primis, To the Clarke for the Writ, 8 d.
To the Protonotary for ſigning thereof, 16 d.
For the Seale, 7 d.
To the Judge for his hand thereunto, 4 s.
For the Atturney's fee, 3 s. 4. d.
For allowing of the writ, 2 s. 8 d.
For the return of the firſt Cauſe, 2 s. 6 d.
For every other Cauſe, 1 s.
For a Bill of *Mittat Cauſas* in *London*, 6 d.
For ſearch, 4 d.
To the Sergeant for his fee at leaſt, 10 s.
For putting in of Bayle before a Judge, for the firſt cauſe, 10 s. 8 d.
For every other Cauſe, 3 s.
To the Protonotary for filing the Bayle for the firſt Cauſe, 6 s. 4 d.
For every other Cauſe, 2 s.
For the Atturney's fee, 3 s. 4 d.

The fees for putting in bayle upon an attachment of Priviledge.

THe Judges fee in the vacation time, 10 s. 8 d.
The entring of the bayle, 4 s 4 d.
To the Protonotaries Clark, who attends with the remembrance for taking the the baile, 1 s.

The Atturney's fee, 3 s. 4 d.

The particular charge for getting a judgement against an Atturney.

FOr drawing and ingrossing the Bill 1 s. 8 d.
For a rule and calling the Defendant in Court, 8 d.
For filing the Bill with the *Custos Brevium* 4 d.
For entring the Declaration, 1 s.
For the Atturney's fee, 3 s. 4 d.
For the Rule, 4 d.
For entering the Judgement, 3 s. 4 d.
For the Warrant of Atturney, 4 d.
For the Copy of the Judgement, 1 s. 4 d.
For the *Casa & Post diem*, 1 s. 5 d.
For the returne, 4 d.
For the *Testatum*, 1 s. 7 d.
For the Atturney's fee, 3 s. 4 d.

The particular fees where the apparance is upon the Exigent, and after the Defendant is sued to the Outlary, after Judgement.

FOr drawing the Declaration, 1 s.
For entring thereof, 1 s.
For the Rule, 4 d.
For entring the Judgement, 3 s. 4 d.

For

For a Warrant of Atturney, 4.d.
For Copy of the Judgement, 1 s. 4 d
For a *Ca sa. & Post diem*, 1 s. 5 d.
For the Exigent, called an *Expostõ*, 1 s 7 d.
For the Atturney's fee, 3 s. 4 d.

Where the apparance is upon a new Originall.

Pro orig. & Post diem, 1 s. 4 d.
Pro tr. nar. 1 s. 4 d.
Pro intr. inde 2 s.
Pro Feod. Attor. 3 s. 4 d.

For suing forth an Outlary after the Writ of Exigent is returned.

Pro retorñ. Exigent. ove quater noſmes, 16 d.
Pro filac. inde, 4 d.
Pro Cap. utl. 1 s.
Pro feod Attorñ. 3 s. 4 d.

Fees

Fees of the Kings Bench.

A Note of Fees due, and time out of minde uſed to be paid to the Prothonotaries, or chief Clerks of the Court of Kings Bench, and to their Clerks as the ſame was preſented upon oath by vertue of His Majeſties Commiſſion in April. 1630. *by 29 Attornies of the ſame Court.*

Writs.

FOr a Latitat 5 s. 1 d.

Superſed.
Exigent in Appeale
Diſtring. in Attaint
Habeas Corpus
Cerciorari
Procedend.
Elegit
Sub pœna
Retornhend.
Withernam
Second deliverance
Reſtitucoñ.
Scire facias
Diminucoñ.
Libello beñd.
Prohibicoñ.
Conſultacon.
Proprietate probanda
Diſtr. in detinue
Inquir de valore
Reſumñ.
Reattachmt.
Veſa. defend. in audita querela.
Here fac. ſeiam. & poſſeſſioñ.
Reſponſ. *in attaint*
Reñd. *expoñ.*
Bre. Epo.
Mittimus.

All

All theſe are accountable for to the Prothonotaries, *viz.* for every one two ſhillings, out of which they allow the clerks for writing foure pence.

Venire fac.
Diſtring. Jur.
Alſ. & plur. cap.
Caſa.
Inquir. de Dam.
Habeas corpus ſur cepi corpus.
Averm^t. verſus vic.
Fieri fac.
Teſtat. ſi fac. & caſa.
Diſtr. nuper vic.
Non omittas.

For every of theſe beſides the Seale 6 d. And for every *Deliberat de recordo* 4 d. And for the *Iura.* of the *Diſtr.* of *Nipri.* 4 d. But all theſe have beene alwayes to the Prothonotaries Clerks, and are not accounted for to the Prothonotaries.

In every Action wherein the *Plt.* recovereth damages to the valve of 13 l. 6 s. 8 d. he payeth 12 d. in the pound for damage cleer when the judgement is ſigned.

Kings Bench Fees for Entries.

For every deed how ſhort ſoever,	2 s
For every Action of Treſpaſſe,	1 s
For every not guilty,	1 s
For every Juſtification in Treſpaſſe,	2 s
For every Replication,	1 s. 8 d

For

For every Action of the caſe not above three ſheets, 2 s
For every generall iſſue to it, 1 s
For every Ejectione firme, 2 s
For every Declaration in appeale, 2 s
For every generall iſſue therein, 2 s
For every Recogn. ſur Hecorp. for every defendant ſeveraly, 2 s
For every Depoſition upon all Prohibition 2 s
For every Judgmt. by Circumſtant 4 s
Out of which the Clerk is allowed, 8 d
For every other judgement, 2 s
Whereof the Clark is allowed, 4 d
For every diſmiſſion, 2 s
For every Commitment in Execution 2 s
For every ſatisfaction, 3 s
For every apparance recorded, 2 s
For every *Non proſ.* 2 s
For every Action of debt. Detiune or Treſpaſſe, 1 s
For every generall iſſue therein, 1 s
For every condition performed, 2 s
For every Replication to it, 1 s
For a writing denied, and keeping of the writing, 2 s
For every Juſtification in Battery, 2 s
For every *Audita querela*, how ſhort ſoever, 2 s

For

For every ſpeciall Imparlance, 2 s
For every generall Imparlance upon the Plea Roll, 1 s
For every default upon Record, 2 s
For a Suggeſtion upon a Prohibition how ſhort ſoever, 2 s
For every Recognizance to it, 2 s
For every Writ of error how ſhort ſoever, 3 s. 4 d
For entring the Errors, 2 s
For entring in *Nullo eſt errat*, 2s
For every Diminution, 2 s
For Abatemt. of a writ of error and licence to ſue a new one, 2 s
For entring of the ſame, 2 s
For every Recognizance ſingle or with condition, 2 s
For every Inrollment whatſoever longer then three ſheets, 6 s. 8 d
After the rate for a Roll on both ſides, 6 s. 8 d.
For half a Roll, 3 s. 4 d
For every Bayle by Recognizance, 2 s. 6 d

Kings Bench Fees of Clarks, and Attornies.

FOr their Fee in every cauſe for every Terme, 3 s. 4 d
For their fees at every Nipri. and Inquiry of damages, 3 s. 4 d

For

For their Fee in every Appeale, and Assise every Terme, 6 s. 8 d

For drawing every Declaration not exceeding a sheet, 1 s

For every sheet above one, 8 d

For drawing every Action on the case, and covenant how short soever, 3 s. 4 d.

For drawing every Ejectm^t. 2 s

For every sheet ingrossed in Parchment, 4 d

For drawing a Surmise upon a Prohibition, every sheet, 1 s

For drawing speciall pleadings, every sheet, 8 d.

For copies of Declarations, Pleas or other things, every sheet, 4 d

For continuing every cause every Term, 4 d

For entring all things above three sheets, every sheet, 8 d

For every Judgm^t. by circumstan. 5 s

For making every baile, 4 d

For making every Bill of Middlesex *destring. nuper vic.* and *Hecorp. sur corpus per preceptum* thereupon. 8 d

For making every *Hecorpus. ad fac. hecorp. cum privileg. cerciorari precedend. elegit, & habere fac. possessionem*, besides 4 d. allowed by the Prothonotary, 1 s. 8 d.

For

For every ſheet in a Writ of Inquiry, Prohibition, Conſultation, &c. 4 d.
For entry of every *Scire fac*, 1 s

Fees received by the Secundary.

FOr taking the acknowledgment of a Deed in court, 1 s
For ſigning every Judgm^t. by confeſſion, *nihil dicit verdict & demurrer*, 1 s
Alſo for acknowledgement of every Deed, for every Judgem^t. pronounced in open Cour, every Rule to alter a Viſue, for every Rule for a Prohibition, Conſultation, Attachment, &c. hee receiveth for the poores box, } 1 s.
For allowance of a Writ of error, *coram nob. reſiden.* 2 s.
Whereof to the box, 1 s
For an allowance of an *Audita querela*, 2 s
Whereof to the box, 1 s

Kings Bench Fees.

FOr every common bayle, 1 s. 2 d
For a ſpeciall bayle upon *A heaſ. corpus. certiorari*, or attachment, 4 s. 1 d.

Fees

Fees received by the ſecundary for the Judges.

FOr every *Habeas corp. ad fac. & recipiend* 4 s
For every *Procedendo*, 4 s
For every *Certiorari* to remove a forren attachment, 4 s
For a *Procedendo* thereupon, 4 s
For every *Habeas Corp. cum privilegio*, 3 s
Out of every *Latitat* they have, 8 d

Fees received by the Iudges clerks.

FOr every Warrant for a *Habeas Corp.* or any thing to which the Judge putteth his hand in the Term time, 1 s
And in the Vacation, 2 s.
For the acknowledgment of a Deed which he ſaith is for his Mr. 6 s. 8 d.
And for his own Fee, 2 s
For taking the Depoſition of witneſſes upon a Suggeſtion for a Prohibition, for every witneſſe, 6 s 8 d
And for his own fee for every witneſſe, 2 s

Fees paid the clark of the papers.

FOr coppying every ſpeciall Plea, every ſheet, 4 d

For

For making the paper book, either iſſue or demurrer, every ſheet, 8 d.
For entring into his book every Record to be read in Court, 1 s
For entring into his book every cauſe, to hear councell on both ſides, 1 s
For entring every Triall at Bar, 1 s

The Keeper of the Poſtea

HAth for the receiving, marking, keeping and delivery of every Poſtea, 4 d

The Keeper of the files of Declarations.

HAth for the filing, pying and ſhewing the files of every Clerk, for every Terme. 2 s

Fees paid to the clerks of the Rules.

FOr entring every rule, except generall Rules for anſwer, 4 d
For a coppy of every Rule, 4 d
For every generall Rule for anſwer being above three, 2 d
For every Rule given in Court with a coppy for a Prohibition, or conſultation, he taketh 12 d, and the due is but 8 d, which hath beene taken not above 25 years. } 8 d.

For every Rule with a coppy given in court the laſt day of a Terme hee taketh 12 d. whereas the due is but 8 d. which hath been taken this two or three years. } 8 d.

For every coppy of a Rule after the continuance day hee taketh 8 d. whereas the due is but 4 d. which hath bin taken two or three years. } 4 d.

All ſuch Affidavits as are read in Cou he claimeth this two years, or thereabou to have the keeping of them, and taketh for coppies both of Plant. and Defendan at his own diſcretion, which formerly ha not been.

Doggetmaker.

THe Secondaries clark, for making an keeping the Remembrances of Entri &c. hath of every clark every Term, 8

Keepers of the Bayles.

FOr entring the common Bayles int Parchment Rolls every Terme, eve clerk of the Office giveth what hee plea ſeth.

Keepe

Keeper of the Rolls of Writs.

FOr carrying the Rolls of the Writs to the Hall, and the Office, hee hath of every Clark every Terme, what hee pleaſeth.

Fees paid to the Cuſtos Brevium and his Clarkes.

FOr every record of *Niſi prius* in a ſhort Action of Treſpaſſe, 4 s. 6 d
For every other Record how ſhort ſoever, 5 s
For every full preſſe of *Niſi pri.* or *Mittimus*, 6 s
For every *Niſi pri.* out of the Crowne ſide, 6 s. 8 d
For every full preſſe there, 6 s. 8 d
For every *Niſi pri.* upon an Inditement of murder, for every name that pleadeth to iſſue, 6 s. 8 d
For every ſhort Exemplification in Treſpaſſe, 10 s
For every Exemplification containing a large skin, 1 li.
For the like in the Crown ſide, 2 li.
For every Exemplification in *Ejectione firme*, 13 s. 4 d
For filing a Writ being a *Poſt diem* upon the *Angl.* 4 d

For all p^t. *Terminums* at any time after the first weeke ended in the ſecond Terme 1 s.8 d

For every Warrant of Atturney in mur der, 1

For every Sheriffs Warrant, 8

For every other warrant of Atturney, 4

For every ſearch for a Roll for ten years laſt paſt, 6

For every ſearch above ten yeares laſt paſt. 3 s.4 d

For ſearch for Rolls for the ſix laſt Termes. 0

For ſearch of every file of Declarations Bayles, judiciall and other writs after ten years, 1 s.4 d

For the coppy of every ſheet between party and party, 4 d

For a coppy of a Deed inrolled for every ſheet, 8 d

For a file of the *Angl.* for every Terme after one, 4

For the coppyes of every writ or appeale every ſheet, 8 d

Fees now paid to the Cuſtos Brevium his Clerkes.

FOr writing every *Niſi prius* or *Mittimus* being but one preſſe, 1 s.6 d

For

For every preſſe more then one, 1 s
For writing every Exemplification in Treſpaſſe or Ejectment, 3 s. 4 d
For writing every large skin of Parchment Exemplified, 6 s. 8 d

The Fees for writing every *Niſi prius* or *Mittimus* were uncertaine till about *Anno* 2° *Jacobi*, And then it was ordered by the Judges that the Clarks ſhould have for writing of the firſt preſſe, 1 s. 6 d. And if more, then every other preſſe, 12 d. And every full preſſe to containe 60 lines.

Fees claimed by the Cryer and Porter.

As Cryer.

For calling a Jury, 2 s
For every Oath given in Court 4 d
For taking a privy Verdict, 4 s
For every argument in Law, 2 s
For evyry Wager of Law, 2 s
For every Admiſſion to a Gardian, 6 d
For a bayle taken at the Bar, 2 s
For calling a Nonſute. 4 s
For calling the Record, 1 s
For calling a default, 1 s
When a pardon is pleaded, 2 s

As Porter.

For every triall at bars 5 s

For every privy Verdict, 2 s
For ſummoning the Wager men, 3 s
For a bayle taken at Bar, 2 s
For a Record called, 6 d
For a Default called, 6 d
For a pardon pleaded, 2 s
For a diſcharge of a *Reſcous*, 4 d
For a bayle taken in Court, 6 d

Of all theſe Fees mentioned and claymed by the cryer, and porter, theſe following have bin paid as due, during the time of our knowledge.

As Cryer.

For calling a Jury, 1 s
For ſwearing every witneſſe, 4 d
For a wager of Law, 1 s
For a Nonſuit, 1 s
For a default of a Record, 1 s
For a *defecit de lege*, 1 s

As Porter.

For ſummoning the Wagermen, 3 s
Alſo the *Porter* receiveth more for the Wagermen, where the defendant wageth his Law, or is ready to wage it, 1 s.

Fees

Fees received by the clerke of the errors immediately after the Stat. of 27 Eliz.

FOr the Lord chiefe Justices fee for the allowance,	17 s. 4 d
For the Receipt,	5 s
For the Retorn,	2 s
For the Certificate of the first presse,	6 s
For writing the first presse,	2 s
For a *Supersedeas*,	2 s. 7 d

These fees amounting to 35 s. 3 d. *were paid upon the allowance of the writ, and for the Supersedeas,*

For the certifying of the Record for every presse, besides the first,	6 s
For writing every presse after the first,	1 s
For the Roll.	1 s
For marking *Non pros* upon the Roll,	5 s

Also immediately after the making of the Stat. of Anno 3. Jac. The fees taken for the bayle were as followeth, upon a writ of Error.

To the Protonotaries for the Recognizance,	2 s
To the Judges Clerk.	2 s

Fees

Fees upon a Writ of error.

FOr making the bayle 4d
For drawing and entring the Recognizance, 4
Now, and for the ſpace of 30 years laſt paſt he hath taken upon the Receipt of every Writ of *Error* and *Superſedeas* in a groſſe ſum, 2li.6 s.8 d
Alſo for certifying every preſſe beſides the laſt, 6 s.8 d
For writing every preſſe beſides the firſt, 2 s
For every *Superſedeas* beſides the firſt, with the Seale. 9 s.3 d

Theſe Fees laſt mentioned were ſet down by Sr. Jo.Popham, *late Lord chiefe Iuſtice; ex relatione Edi.Page cler.Error, but we do not certifie it upon our knowledge.*

Alſo he taketh for every bayle in a groſſe ſum, 19 s.4 d
For every Writ of Error, *tam in redditione judicii quam in adjudicatione executionis*, he taketh double fees.

The Marſhalls Fees as they were certified by Sr. Wil.Knowles *Knight ſometime Marſhall of the Kings Bench.*

IMprimis for inlargemt. of every priſoner which is termed his admiſſion fee, 10 s

Alſo

Alſo hee demandeth of every Priſoner upon his inlargement, a fine, for not wearing of *Irons*.

For Execution in every pound, 3 d
For Actions in every pound, 1 d. *ob.*
The Marſhall taketh for every diſmiſſion more then the former fee of ten ſhillings, 8 s. 8 d,
The Deputy Marſhall and Marſhalls men, take for every priſoner that is committed in Court, 5 s 6 d
And for every priſoner committed from the Judges Chamber, 2 s. 6 d
The deputy Marſhall taketh for the allowance of every *Habeas corpus*, 2 s 6 d

The Clerk of the Fines.

THere was an Office invented and erected about 6 *Iacobi*, whereby is taken upon the filing of every Declaration in debt, where the debt is above 40 li. and not above 100 markes 3 s. 4 d. And above 100 markes, and not above 100 l. 5 s. And ſo after the ſame rate, and alſo in every Action on the caſe and Treſpaſſe for goods where the damages are laid above 40 l. the like Rates, ſo that the Plantiffe or Defendant be not a perſon priviledged, nor the defendant in *Cuſtodia Marr*,

Marr, whereas before 6 *Iac.* in all our memories no ſuch monies were paid or demanded.

Fees for Trialls at Bar, taken by ſeverall Officers.

THe Cryer for calling the Jury, 2 s
For ſwaring every witneſſe, 4 d
The Porter for keeping the doors, 5 s
The Cryer for a *Non ſuit*, 2 s
The deputy Marſhall, 2 s
The Tipſtaves or Marſhalls men for a Verdict, *ſeden. Curia.* 8 s. 6 d
If the Jury lie together all night, 17 s. 8 d
The Judges footcloathmen 12 d. a peece, 4 s
The Secundary receives for a Verdict in Court, 2 s
And for a privy Verdict 13 s. 4 d. which he ſaith is thus divided (*viz.*) the Judge that taketh the Verdict 6 s. 8 d. to the Secondary 2 s. and the reſt being 4 s. 8 d. among the Officers that attend.

Of all the Fees mentioned, we preſent theſe following to be due.

TO the Cryer for calling the Jury, 1 s
For ſwearing every witneſſe, 4 d
For calling a *Non ſuit*, 1 s

To

To the deputy Marſhall, 2 s
To the Porter for keeping the doors, 1 s
To the Secundary, for taking a verdict in Court, 2 s
To him for a privy verdict, 13 s. 4 d.

And now they take no other fees then theſe laſt mentioned.

We pay into the Crown Office for eſtreating every amercement, 1 s

Alſo there is paid to the Secondaries Clerk by every one of the Protonotaries Clerks every Term that he faileth to bring in his Rolls within 24 dayes next following after Trin. Mich. and Hillary Termes reſpectively, and within ten dayes next after Eaſter Terme 12 d. whereas formerly they had time untill the Eſſoine day of the next Terme, to bring them in without paying any fee.

Alſo there is paid to the Secondaries Clerk, for the filing of every common bayle after ſix dayes, after every Term over and above the Fee, 4 d.

The Table of which ſeverall payments laſt mentioned, is remayning in the Kings Bench Office.

Fees due and received by Philizers.

For every *Cap. Als. Plur. Exigt. Proclama. & diſting.* in Treſpaſſe, 6 d

For

For every Exigent and Proclamation in *Replevin.* 6 d

For every *Pone. Cap. Alſ. Plur. Teſtat. in* Replevin, 6 d

For every *Superſed.* upon the meane Proces aforeſaid, 2 s

For every *Cap. alſ. plur. Teſtat.* and *Exigt.* in *Truſ. ſup caſum* Action on a Stat. *Rap. cuſtodie Truſ. contra formam Ordinationis,* Ejectments and ſuch ſpeciall writs, 1 s

For the Proclamation thereupon, 1 s

For the *diſtring.* thereupon, 1 s

For every *Cap. Alſ. & plur.* in appeale of *Mayhem,* 1 s

For every *Cap. Alſ. & plur.* in an appeale of Robbery, 2 s

For every name in every *Cap. Alſ. & plur.* in appeale of Murder, 2 s

For every Proclamation in every appeale, 2 s

For every generall *Cap. utl. & delibatur de Recordo,* 10 d

For every ſpeciall *Cap. utl. & delibatur de Recordo,* 2 s. 4 d

For every writ of *Withernam ſecond deliverance & retorn. benð.* before avowry, 2 s

For every *Venire fac.* 6 d

For every *Diſtring. Iur. delibat. de Recordo & Iur. Niſi prius,* 1 s. 2 d

For

For every *Subpœna* upon iſſues by originall, 2 s
For entry of Declarations in Treſpaſſe by originall, 1 s
For entring not guilty thereunto, 1 s
For entring every Ejectment, and Action upon the caſe not above three ſheets, 2 s
If longer, then for every ſheet, 8 d
For every generall Imparlance, 4 d
For every ſpeciall Imparlance, 2 s
Copies of writs of Attaint. before judgement *per* ſheet, 8 d

Fees due upon Tryalls at Guild-Hall to the Officers of the Court.

TO the Clerk that reads the Record and Evidence, 1 s
To the Aſſociate, 1 s
For every default, 2 s. 4 d
To the Cryer, 1 s
For ſwearing every witneſſe, 4 d
The Marſhall, 2 s
The foote cloath, 1 s
The green-cloath, 1 s. 6 d
The dore-keeper, 1 s
The Hall-keeper, 1 s
The Jurymen, 8 s
Over-men every one, 4 d

For

For ſummoning and keeping the Jury 4 s. 4 d
Lights, 1 s
Bar-keeper, 1 s
Returne of the Poſtea, 2 s
Alſo the Aſſociate taketh in every cauſe where the Plantiffs Atturney is not preſent, and of every Defend. which appeareth, and hath not his Atturney in Court, for a warrant of Atturney. } 4 s

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TERMINO HILLARII,

Viceſimo primo Jacobi Regis.

1623.

The Atturnies Certificate.

ACcording to your honours direction, having (ſince the time of your Lordſhips pleaſure made knowne unto us) received from your Lordſhips, divers Bills, and Notes of the Fees claimed by ſeverall Officers in the right of their offices, in his Highneſſe Court of common Pleas at Weſtminſter, and thereby, and by Oath to be adminiſtred unto us, concerning your honours pleaſures and intendments to be performed, whether all the Fees and Summes

Summes of money set down and claimed respectively in the said Bills and Notes, have been paid since the thirtieth yeare of the late Queen *Elizabeth*, or which, or how many thereof, or what other have beene advanced, encreased, or taken since the said thirtieth year in the said Offices, in the said Court of Common Pleas.

Upon perusall of the said Bills and Notes, and consideration of the fees now claimed, and taken, upon our severall knowledges, and upon credible report, we finde some for to be advanced, encreased, raised, and taken since the said thirtieth year. And therefore in all humblenesse, We have briefly set downe under the title of every Office, such as wee at this present respectively know to have been so advanced, encreased, raised, and taken with some Grounds and Reasons of the advancing, encreasing, raising, and taking thereof delivered by them, to their severall Notes of Fees annexed.

In the Office of Custos Brevium.

THere is, and hath beene taken by the Clarks there, more than heretofore was taken and claimed by them upon Fines, upon the returne of Writs of Covenant Fines.

nant under colour of Deputations from the Sheriffes, and now is claimed by them for keeping the parts of the Fine. 12 d

Pt. Termi. Alſo for filing every Writ after two Termes, for every Term after, 12 d. Whereas the ſaid Fee of 20 d. was accepted for filing of any Writ at any time within the year.

Bria. de ingr. & ſeiã. Alſo there is taken by the ſaid Clarkes, for filing of all Writs of Entry, Summons, and Seiſin upon common Recoveries, 12 d. whereas formerly 4 d. was taken as their Maſters Fee for a *poſt diem*.

In the Prothonotaries Office.

Aſſeſſing of Coſts on judgments. THere hath been taken for the moſt part of ſeven years paſt, upon every judgement in perſonall, and mixt Actions, over and above the 2 s. in the Bill of their Fees mentioned, and more than was formerly paid, 12 d being for aſſeſſing of coſts for the Judges as is affirmed.

Briã. de ingr. ſum & ſeia. Alſo there hath been taken by the ſpace of foure yeares laſt paſt, or thereabouts, 18 d. upon every Writ of Entry, Summons, and Seiſin upon common Recoveries, which was not formerly paid.

Ult. reverſat. There hath been alſo taken by the ſpace of twelve or fourteene years laſt paſt, by them

them 4 s. upon the reverſall of every Outlawry, not formerly taken.

They have alſo received and taken for divers yeares laſt paſt, the ſumme of 9 s. 4 d. upon every Prohibition granted in Court, but whether the ſame be a due and ancient Fee, we do not certainly know: All which Fees ſo taken (as we conceive) are upon the reaſons expreſſed in a Note, which wee have annexed to their Bill of Fees. Prohibition.

The Secondaries of the ſaid Prothonotaries.

THere hath been taken by the ſpace of ten years laſt paſt, or thereabouts, 12 d. upon every common Recovery drawn at the Bar, more than formerly hath been taken, which the Secondaries affirme to have bin taken in reſpect the Demandants in ſuch Recoveries have not appeared at the Bar in perſon. Recupe. ad Bar.

Clarke of the Warrants Office.

THere is taken upon every Fine more than formerly 4 d. for a Warrant of Attourney, and charged out of the Atturnies Fee by order of the Judges made 14 *Iac. Reg.* certified by this Officer to your Lordſhips. War. Attor. on fines.

Retorne breū. de convent.

There was alſo taken by the Deputy of this Officer for the ſpace of three or four years, and untill within one yeare laſt paſt, upon every Fine 18 d. which was not formerly paid to that Officer, being ſo taken (as is pretended) for the returne of the Writ of Covenant, and hath ſince been taken by Mr. *Thomas Iackman*, Clark of the Inrollments of Fines and Recoveries upon the reaſons annexed to the Bill of fees of the Clark of the Warrants.

In the Phillizers.

4 d. ſur. cap. 8 d. ſur appar.

THere is taken 4 d. upon every Cap. and 8 d. upon every appearance of the Defendant, more then was taken before 14°. *Iac. Reg* which is taken by vertue of an Order made upon the reaſons expreſſed in the ſame Order to their Bill of Fees annexed.

In the Exigenters Office.

1d. Sur exta.

THere hath been taken ever ſince 31. *Eliz.* upon every Exigent more than was formerly taken 1 d. which was ſo taken in reſpect of the length of the Proclamation.

Al. 1 d. Sur extā.

And there hath beene alſo taken by the ſpace of three yeares paſt, 1 d. more upon every

every Exigent, upon ſuch reaſons as are offered to your Lordſhips conſiderations, in their Certificate of fees.

In the Chirographers Office.

THere is taken by the Clarkes of the ſaid Office for writing the Chirograph of every Fine 2 s. 6 d. which ſince 30 *Eliz.* was but 16 d. which ſumme of 2 s. 6 d. upon reaſons ſhewed to divers ancient Atturnies by the Clarkes of the ſaid Office about ſeventeen years ſince, was aſſented unto by the ſaid Atturnies, bee the Fine long, or ſhort. Ingroſſ. fines

In the Office of the Kings ſilver.

THere is encreaſed, and taken by the ſpace of thirteene yeares laſt paſt, or thereabouts 4 d upon every Fine by order made in 8. *Iac. Reg.* annexed to their Bill of Fees. 4 d. ſur. fines

Alſo there hath been taken and encreaſed 4 d. lately, within five yeares ſince the time laſt above mentioned for every ſeverall Cap. of a Fine, having more Cap. than one, which was not formerly taken. Severall Cap. de fine.

Alſo for the time of thirteene yeares laſt paſt, there hath beene taken for every Fine Fine per ſpeciall Deed.

by ſpeciall Commiſſion, 4 d. which is a encreaſed fee.

Pt. Termi. de fines. Alſo there hath beene taken ſince 8. I. *Reg.* 6 d. for every fine brought into t Office after the end of every Term, not f merly taken.

Fines in Circuit. com. occidē. Alſo there hath beene taken the ſum of 8 d. upon every fine in the Weſter Circuits, more than upon fines in ot Counties, which grew to be taken abo 34. *Eliz.* by colour of Deputations fro the Sheriffes of the Weſterne Circuits u on the reaſons annexed to his Bill of fe moſt of which ſaid fees were raiſed, and e creaſed in the time when *Rich. Chamb* was that Officer.

In the Office of the Clarke of the Treaſury.

Searches. THere is of late taken 4 s. for the ſear of every Terme after ten yeares, the o and ancient fee being but 3 s. 4 d.

Claves pt. Termi. There is claimed 3 s. for turning the k of the Treaſury after the Terme, where there is but 12 d. due.

Searches. Alſo there is claimed by his ſaid Bi 4 d. for ſearch of a Record under ten yea untill three yeares, no ſuch fee bein due.

The

The Cryers of the Court.

THere is taken by them 2 s. the fee being but 12 d. for calling every Jury at the Bar, when they fill not. Calling Juries.

Alſo they take 16 s. for keeping every Jury during the ſitting of the Court, and 30 s. for keeping them all night. The ancient fee for the firſt (as wee underſtand) being but 4 s. and the other 8 s. and no more. Keeping Juries.

Alſo there is taken by them for ſwearing an Attourney in Court 2 s. more then their ancient fee, (being 4 s.) as we are credibly informed. De Attor. Iur.

Alſo they take upon every Baile taken in Court 12 d. there being no fee due, that we know, or have heard of. Bailes.

Alſo they take 4 s. upon every *Niſi prius* before my Lord chiefe Juſtice of the common Pleas at Weſtminſter, there being no ſuch fee due to our knowledge. Ni pri. Weſt.

Alſo they demand 4 s. 4 d. upon every Wager in Law, there being but 2 s. due, as we have heard. Wagers of Law.

In the Office of the Keeper of the Treaſury.

THere is claimed in his Bill for a ſearch after three yeares, untill ten yeares Serches.

4 d. there being no ſuch fee due.

Rols carried into Court. Alſo for a Roll carried into the Court, 6 d. there being no ſuch fee to our knowledge, other than for carrying a Roll of the precedent Term.

Juries at bar. Alſo for every Jury at the Bar 2 s. 6 d there being only 12 d. due, and formerly paid, as we have heard.

Ni. pri. Mid. Alſo for every *Niſi prius* tryed in Middleſex 2 s. 6 d. there being but 12 d. due,

Copia Pr. Alſo for a coppy of a Precipe 18 d. there being none ever heard of.

Cogni. fines. Alſo for the acknowledging of a fine 4 d. there being nothing due.

C'aves pt. terminū. Alſo for the key 18 d, 12 d. being due, and no more.

In the Office of Inrolling and Exemplifying of Fines and Recoveries.

THe Fees challenged by this Officer (as wee conceive) doe differ from the fees limited by the Statute 23°. *Elizabeth*, unto which Statute wee refer our ſelves.

A review of our former Certificate, with an addition thereto, and an answer to the Articles lately delivered unto us by your Lordships

The Chirographer.

THere is taken by the Clarke of the said Office, for writing of the Chirograph of every fine, 2 s. 6 d. for which since 30 *Eliz.* was onely paid 12 d. but about *Anno* 4. *Jac. Reg.* they did procure the consent of divers ancient Atturnies in writing under their hands, for the increase thereof, to make the 12 d. 2 s. 6 d. be the Chirograph long or short, upon promise never to demand any more, yet since they exact, and take more according to the length. Ingross. fini.

The Court-keeper.

WHereas this Officer requireth 9 s. 6 d. for a Wager of Law, his due being onely 22 d. the rest is to be divided amongst the Cryers, Wagermen, and other Officers. Wagers of Law.

The Cryers.

WHereas it hath been formerly certified that 2 s. is due to these officers for a Wager of Law, upon better consideration Wagers of Law.

ation we finde 4 s. is due unto them out o the 9 s. 6 d.

The Porter.

Nisi. prius Midd. HE taketh 2 s. 6 d. for every triall at the Bar, his fee being but 12 d. and for a *Nisi prius* 12 d. his due being but 6 d.

The Associats of the Nisi prius *at Guild-Hall.*

Retorn. Postea. THis Officer taketh 12 d. for returne of the Plaintifes *Postea*, and 2 s. for return of the Defendants *Postea*, and for the Defendants Verdict 2 s. which are new encreased fees since 30. *Eliz.*

The Clarke of the errors.

Supersuper. b. ē. de Error. THis Officer taketh for a *Supersed. de non molestando* 3 s. there being but 2 s. anciently due, and 2 s. for marking the Record.

Non pros. in b. ē. de Error. He taketh also 2 s. 4 d. for a *Non suit* in a writ of Error, being not due, nor paid since 30 *Eliz.*

An answer to the last Articles.

Intrā. Protonō. THe Prothonotaries take by the Sheete, and not by the Roll, all the time of our remembrance, every sheete containing twelve

twelve lines, and every line ten words, according as they have certified in their note of Fees.

They take for the certifying the first cause 6 s. and for every other cause 2 s. and so have anciently done. Allorã.b:ẽ de Error.

The chiefe Justice his Fee for allowence of a Writ of Error was but 17 s. 6 d. being upon meane Proces and single judgement, and if it exceed to Ex. *post. Cap.* and *Scire fac.* 35 s. and for the *Superſed.* 2 s. and no more, and now is taken for allowance upon meane Proces 20 s. and for a *Superſed.* 4 s. Superſed.

The ancient Fee of a Cap. *Vtlogat.* speciall, is 2 s. 4 d. and a generall Writ 10 d. if more be taken, it is to the writer of the Writ for expedition given by the Atturney as a gratuity. Cap. utl.

We do not know of any Fees taken by Bills of Parcels, and at *Eſiam*, more than hath been formerly taken *Anno* 30 *Eliz.* Seperlo, dies Aeciã.

The Judges take only 4 s. for signing of a Writ of priviledge, which Fee is, and hath been ancient for any thing we know, and the like for signing of a *Procedendo.* Sign. brẽ. de priviledg. & Proced.

The

Utl. reverſs. The ancient Fee for reverſing of an Outlawry in a Judges Chamber wee know not, but there hath bin taken for the Judge 9 s. 8 d. and 12 d. to his man, and being reverſed in Court, 4 s. is formerly certified.

Niſi pri. London & alibi. There is now paid to the Judges horſekeeper for triall of every cauſe at Guildhall 12 d. and upon triall at the Bar 2 s. to each of the Judges foot-cloath-keeper, and in many Circuits upon every triall, for keeping the Juries 2 s. for every Jury, there being only due 12 d. which was formerly allowed and paid to the Sheriffes Bailiffs for keeping of the Juries.

Alſo there hath been taken in ſome Circuits upon triall of every *Niſi prius*, wherein a private verdict hath beene given (as Fees for the ſame verdict) to the Judges Marſhall for all manner of Fees to all Officers 15 s. 8 d. but now of late the Judges ſervants and officers in ſome Circuits do demand, and take 10 s more, not anciently taken.

Prohi. ſuggeſt. Prohibi. The ancient Fee in a Prohibition, was 9 s. 4 d. for every witneſſe produced to prove a ſuggeſtion out of Court, and in Court, 4 s.

It

It is anſwered in the former Certificate, the ancient Fee for ſwearing an Atturney in Court, was 2 s. to the Box, and now 20 s. is taken. Attorn. Jur.

Every Atturney payes Tearmly, or ought to pay 4 d. to the Clarke of the Warrants, who is appointed to pay the ſame to the Judges, and is by them diſtributed to the poor, as is affirmed. Rotl. Attorn.

There hath been, and is taken for the Box upon every ſatisfaction for a judgment being under 100 li. 6 d. if 100 l. 12 d. and for every 100 li. ſo rateably, and the like for a confeſſion, and 6 d. upon a Baile, and every common Recovery. Feod. pixidi in cur.

Subſcribed thus:

Hen. Plombe.	*Ioh. Nichols.*
Sy. Wiſeman.	*Geo. Gooe.*
Anth. Langſton.	*Will. Corfeild.*
Geo. Needler.	*Peter Bird.*
Will. Cragg.	*Tho. Agar.*

The Oath adminiſtred touching the Court of Common Pleas to the inqueſt of Atturnies in Feb. 1627.

YOu ſhall well and truly according to your knowledge, give true in-

information to His Majeſties Commiſſioners for inquiry after exacted Fees, and innovated Offices, what Offices and places were uſually held, kept, and executed in the tenth yeare of the Raigne of the late Queene *Eliz.* or at any time ſince in the Court of common Pleas.

You ſhall well and truly, according to your knowledge, give true information, what offices and places have been ſince the eleventh yeare of the ſaid late Queene, invented, innovated, deſigned, ordained, or erected by Judges, Juſtices, or other chiefe Officers in the ſame Court, and not granted, or mentioned to be granted by Letters Patents under the great Seale of England.

And what Rewards, Fees, Summe, and Summes of money were in the ſaid eleventh yeare of the ſaid late Queene *Elizabeth* or at any time ſince, uſually, or accuſtomably taken, received, or had by the Judges, Counſellors, Practiſers, or Officers, or their Deputies, or other Miniſters, Clarkes, Regiſters, or Atturnies in the ſame Court.

And

And what Rewards, Fees, and Summes of money under colour, or by name of Fees, Rewards, Gratuities, Clarkes paines, *poſt Term. poſt diems*, Expedition, or the like, have ſince the ſaid eleventh yeare of the ſaid late Queene *Eliz.* been ſet, impoſed, raiſed, advanced, encreaſed, incroached, or taken in the ſaid Court, and of the particularities, grounds, or reaſons thereof, with all other incidents, and circumſtances touching the premiſſes.

And whether have you any Rolls, Warrants, Records, Orders, Tables, Bookes, Entries, or other Notes, or Writings in your cuſtody, whereby the truth in the premiſes may be the better found out, and diſcovered.

Or doe you know where any ſuch Rolls, Warrants, Records, Tables, Orders, Bookes, Entries, or other Notes are, or have beene, or with whom they now remaine. So helpe you God.

Ex Officio per Edm. *Wodax*,
Cler. Commiſſ.

The

The Custos Brevium his Fees.

These Fees following, are the Fees which are taken by Esq. Thomas Spencer, *Custos Brevium of his Majesties court of common Pleas, and his Clarkes in right of his said Office, and as they were taken* 11 Eliz. *by the then Master of the said Office, and his Clarkes.*

Pt. diem. IN*primis*, for filing any Writ, or other Record, comming after the day of the retourne thereof, except Writs of priviledge *de veniendo, & redeundo*, and also Writs of priviledge called *propr.* or *post diems*. 4 d.

Pt. Ter. *Item*, For filing any Writ, or other Record (except before excepted) comming after the Terme wherein it was retournable, called a *post Term.* 20 d.

Item, For filing any Writ, or other Record comming after two Termes, called *post Termin.* for every Terme after 20 d. a piece, except Exigents, and Outlawries, which pay but only 20 d. for

for a *poſt Termin.* be they never ſo long after, *quia pro Dom. Rege.* 20 d.

Item, For the ſearch of any Writ, or other Record, being under five years, for every retourne 5 d. except ſuch Writs as where the whole Terme is uſed to be filed together, which pay only 5 d. a Terme, out of which they allow to the Bag-bearer. 1 d. Serches.

Item, For the ſearch of any Writ, or other Record of five years antiquity, and under ten years called a Temple ſearch, for the firſt retourne 2 s. 9 d. and for every retourne after 5 d. except ſuch Writs, as where the whole Terme is uſed to bee filed together, which pay likewiſe for the firſt Terme, 2 s. 9 d. and for every Terme after 5 d. out of which Temple ſearch there is allowed to the Clark 4 d. and to the Bag-bearer 5 d. 2 s. 9 d.

Item, For the ſearch of any Writ, or other Record of ten years antiquity and upwards, called a Weſtm. ſearch for the firſt Terme 9 s. 9 d. and for every Terme after 5 d. except ſuch Writs as where the whole Terme is uſed to be filed together, which pay only 5 d. a Terme, out of which Weſt.

ſearch

search there is allowed to the Clarke 2 s.1 d.and to the Bag-bearer. 12 d.

Certiorari. *Item*, For the allowance of every Writ of *Certiorari*, directed to the *Custos Brevium*, 14 s.9 d.whereof is allowed to the Clarke 2 s. 8 d. and for certifying thereof, *Secundum longitudinem*, and according to reason. 14 s.9 d.

Exemplification. *Item*, For the allowance of every Exemplification made out of the Office of any writ,or writs, or other Record,5 s.4 d. and the Clark for writing and examining thereof *Secundum longitudinem*, and according to reason, 5 s.4 d.

Portã. brẽ. in cur. *Item*, For the carrying of any Writ, or other Record to the Court for a Reversall, or any other occasion 2 s. 9 d. whereof allowed to the Clarks 4 d.and to the Bag-bearer, 5. 2 s.9 d.

Briã. de ingrã.& sciã. *Item*, For filing any common Recovery Writ, *super disseisinam in le post*, 12 d. whereof allowed to the Clarkes, 8 d. for entring the same into a Booke for that purpose, 12 d.

Fines. *Item*, For entring a Fine with the *Custos Brevium*, by vertue of the Stat.5. *H.4.cap.*14.in which Stat.that is called the accustomed old Fee, 22 d.

Item,

Item, To the Clark of the ſame Office (*ab antiquo*) who enters the ſame, 2 d.

Item, Upon the making of the Stat. 4. *H.* 7. *cap.* 24. the *Cuſtos Brevium* was allowed by the Court for carrying, and recarrying of every Fine levied according to that Statute, to Weſtmin. to the Chirographer to proclaime foure Termes, 8 d.

Item, For keeping three parts of the Record of every Fine conſiſting of five parts, 4 d. a piece, 12 d.

In tot. for every Fine 3 s. 8 d. wherof the Maſter hath 2 s. 6 d. and 14 d. is allowed to the Clarks, 3 s. 8 d.

Item, For the amendment of every Writ, or other Record *Per Warrant. Cur.* 20 d. Amendments

Item, For every *Non eſt factum* pleaded in Court, 2 s. Non eſt factum.

Item, For every Sheriffes bundle of Writs retournable of the precedent Terme, and coming before Eſſoine day of the ſecond retourne of the new Terme, 8 d. Sheriffes bundle.

The

The uſuall Fees allowed by the Cuſtos Brevium to the Clarkes of his Office.

Serches. IN*primis*, For every Temple ſearch, 4 d.

Item, Out of every Weſtminſter ſearch, 2 s. 1 d.

Certiorā. *Item*, To the Clarkes out of the allowance of every *Certiorari* 2 s. 8 d. and for certifying the ſame, *ſecundum longitudinem*, and according to reaſon, 2 s. 8 d.

Exemplificā. *Item*, To the Clark for writing and examining of every Exemplification, *ſecundum longitudinem.*

Portā. brī. in cur. *Item*, To the Clarke for any Writ, or other Record carried into the Court, 4 d.

B ē. de Ingrū. & ſeiā. *Item*, For entring a common Recovery Writ *ſuper diſſeiſinam in le poſt*, 8 d.

Fines. *Item*, For every Fine paſſing in the Office, 14 d.

Ne Recipiā. *Item*, For entring into a Book every *Recipiatur* comming under a Judges hand, or by order of Court, 12 d.

Noīa Jur. *Item*, For every Note of *Jurors* names for the Clark of the Juries to make further Proces by, 4 d.

Item,

Item, For every Note of an Exigent for the Clarke of the Outlawries to make further Proces by, 8 d. Copia extā.

Item, For the ſearch of any Booke of Entries, of any Writs for every Terme, 8 d. Serches.

Item, For the copy of any Writ, or other Record for every ſheet. 8 d. Copies.

Geo. Venables.
Alex. Chorley.

The uſuall Fees allowed by the Custos Brevium, to the Bag-bearer of the Office, being alwayes the common Vouchee of the Court.

Inprimis, For every ſearch under five years, 1 d. Serches.

Item, For every Temple ſearch, 5 d.
For every Weſtm. ſearch, 12 d.

For any Writ, or other Record carried into the Court, 5 d. Portā. brē. in cur.

For every common Recovery ſuffered in Court (being the common Vouchee) 4 d. a piece, 4 d. Recupat.

For every Attorney ſworn in Court, 6 d. Attourn. Jur.

The Prothonotaries Fees,

Theſe Fees are due, and belonging to the three Prothonotaries of the Common Pleas.

Coja nar. & plitā, in action. perſonal.

IN*primis*, For entring every common Declaration, common Plea in Bar, wherein no Freehold is pleaded, common Replication, and common Rejoynder in actions perſonall, 12 d.

Spiā nar. & Plea in action perſ.

For entring of every ſpeciall Declaration, ſpeciall Plea in Bar, or abatement of Freehold, Replication, or Rejoynder, and Pleas ſubſequent in actions perſonall not exceeding three ſheetes, every ſheete containing twelve lines, and every line ten words at the leaſt, 2 s.

And for every ſheete exceeding, 12 d.

Actiones reales & al ſperiales actiones.

For very Declaration in actions upon the Caſe *Ejectione firme*, Annuity, Accompt, Covenant, Conſpiracy. Deceipt, Partition, Pleg. *Acquiet and* Debt upon the Stat. Plaint in Aſſize, and the like ſpeciall actions, and in all reall, mixt

mixt and popular, if the Declaration or Plaint exceed not three ſheets, 2 s.

And for every ſheete exceeding, 12 d.

For the entry of every Bar Replication, Rejoynder, and Pleas ſubſequent in every of the actions laſt above mentioned, and in the like actions not exceeding three ſheets, 2 s. Plita ſpeciall.

And for every ſheet exceeding, 12 d.

For the entry of every Obligation, Indenture, Record, Retourne of Certificate, or the like entred *in hæc urba* not exceeding three ſheets, 2 s. Oyer.

For every ſheet more, 12 d.

For recording of every apparance by the Court, 2 s. 4 d. Apparance.

For the entry of every Recognizance without condition, challenge to the Sheriffes, or Coroners, or to the Array, or other ſpeciall averments, 2 s. Recognizance. Challenge.

For the entry of every Recognizance with the condition, 4 s. Recogn.

For every judgement in debt, detinue and treſpaſſe without a *Tales*, 2 s. Judgements.

For the entry of every Adjournement, 4 d. Adjornments.

For every judgement, with a *Tales* beſides the Fee aboveſaid, 2 s. Judgement. Remanet,

For every Remanet and judgement for Judgement for Coſts.

for Coſts given to the Defendant by the Stat. beſides the Fee aboveſaid, 2 s.

Judgements. For every judgement in all other actions, as well perſonall as mixt Prohibitions, and the like, 4 s.

Satisfā. Recordā. Retrā. Diſcont. Relinquiſhment. Nolle proſequi. For every ſatisfaction *Recordatur*, Diſcontinuance, *Retraxit*, Relinquiſhment, *Nolle proſequi*, or the like in perſonall actions, 2 s.

And in reall actions, 3 s.

Recovery. For the entry of a ſingle Recovery, and the Writ of ſeiſin thereupon, 10 s. 6 d.

For every Voucher more, 4 s.

For the entry of every *Mittimus*, and *Dedimus poteſtatem* for a common Recovery, 6 s.

For the entry of a Summons *ad War* for a common Recovery, and the Writ of Summons, *ad Warantizand.* 4 s. 6 d.

Certioeā. For the entry of a *Certiorari*, to certifie a Warrant of Atturney for the Tenant, or Vouchee, 4 s.

And if for both, 6 s.

Forren Vouchers For every forraine Voucher ſent to the common Pleas to ſummon the Vouchee, if the Record be not above three ſheets, 2 s.

And for every ſheet more, 12 d.

The

The like Fees are paid when the Record is to be remitted after the Voucher determined, 2 s.

For the entry of every ſpeciall Verdict, whereupon a *Cur. adviſare vult* is entred, being not above three ſheets, 2 s, Speciall Verdicts.

For every ſheet more, 12 d.

For the entry of every generall Verdict, with a *Cur. adviſare vult*, without a *Tales*, 2 s. Generall Ver.

And with a *Tales*, 4 s.

For the entry of every *Remittitur* of debt and damages, 12 d. Remitti.

For the entry of every Information upon a penall Law, not exceeding three ſheets, 2 s. Informā.

And for every ſheet exceeding, 12 d.

For the entry of every ſurmiſe for a Prohibition to be granted, not exceeding three ſheets, 2 s. Prohibi.

For every ſheet more, 12 d.

For entring of every *Audita querela*, not exceeding three ſheets, 2 s. Audita querela.

For every ſheete more, 12 d.

For the entry of every Oath of every witneſſe to prove the ſurmiſe in a Prohibition, or *Audita quer.* brought by an Infant, and the entry of the proofes *de morte & vita viri* in dower, and the like Depoſi. Teſtā.

actions and ſuits, 2 s.

Relax defalt. For releaſing of any default in any reall action, 2 s.

Dā. clara. For damages cleere in any action where damage is given, if the damage given amount unto five markes, or above 2 s in the pound, 2 s.

If under five marks, 0

Examī. Record. Niſi prius. For examining any Record of *Niſi prius*. 12 d.

Niſi prius Lan. For making the record for triall of any iſſue in any of the Counties Palatine, for the firſt three ſheets, 2 s.

Exemplificā. For every ſheet more, 4 d.

For the exemplification of every Record, not exceeding ſix ſheets, 5 s.

For every ſheet exceeding, 12 d.

Seiſin in dote. For the entry of Seiſin in dower, and dying ſeiſed, if the retourne of the ſeiſin exceed not three ſheets, 4 s.

For every ſheet exceeding, 12 d.

Judī. per defalt. in Walt. & Quare Impedit. For entring the default upon the diſtreſſe in waſte or *Quare impedit*, if the Count, or title doe not exceede three ſheets, 6 s.

For every ſheet more, 12 d.

Quo warranto. For the entry of a *Quo warranto*, not exceeding three ſheets, 2 s.

For every ſheet exceeding, 12 d.

For

For the entry of every Plea thereupon according to the ſame rate, 12 d. Accompt devt.

For the entry of every Plea in account pleaded before Auditors, if it be not above three ſheets, 2 s. Audi.

For every ſheet more, 12 d.

For the entry of every Summons, ſeverance and aide *prier*. 2 s. Severance,

For admiſſion of an Infant to his Guardian, or *Procheine Amie*, 2 s. Aide prī. Admiſſio ad Gardi.

And if by Commiſſion, 4 s.

For entring the Writs of *Exerap. de non ponend. in Jurat. & Paten. de libertatibus allocandis & protectionibus*, Cognizance of Pleas, and the like, according to the Rates aforeſaid, if it exceed not three ſheets, 2 s. Exemp. Protectī. Cognī. de plea.

For eveey ſheet exceeding, 12 d.

For the entry of a Defendants diſcharge upon a *Cap. pro fine*, or contempt, 2 s. Cap. pro. fine.

For the like upon a reſcous retourned and admitted to his Fine, 4 s. Reſcous.

For traverſing the reſcous and iſſue thereon, 6 s.

For entring of the allowance of every generall and ſpeciall Pardon of Outlawry before judgement, and after, 5 s. 4 d. Allotā. per dinā.

For

Dies dat. For entring of a *Dies dat.* in debt detinue, and treſpaſſe, 12 d.

And in all other actions, 2 s.

Receit. For entring of a Receipt of a Feme covert, tenant in taile, Leaſſee for yeare, or the like, 2 s.

For entring of a Plea, if it exceede not three ſheets, 2 s.

For every ſheet exceeding, 12 d.

And if the Receipt be by Writ, then more for entring the Writ, 2 s.

Aſſize. For the entring of an Aſſize delivered in Court of the Common Pleas, by the Juſtices of the Aſſize, to be inrolled, for every ſheet, 12 d.

And if the Aſſize come into the Court by *Certiorari*, then more for entring the ſame, 2 s.

Abridgements. For entring of every Abridgement of the Demand in dower, waſte, and the like, 2 s.

Pone. For the entry of every *Pone* to remove a Plea by Writ out of the County Court there holden by Juſticies, and for retourne of the *Pone*, 4 s.

Mittimus, Rege inconſulto: For the entring of any Record ſent into the Court by *Mittimus*, or otherwiſe, and for entring of every *Rege inconſulto*, or the like, if it exceede not three

three ſheetes, 2 s.

For every ſheet exceeding, 12 d.

For the entring of every *Certiorari* of Baſtardy, certified by the Biſhop, the awarding of the Writ, and judgement thereupon, 6 s. Certiorã.

For entry of the Licence of the Court to purchaſe a new Writ by journies of accompt. 2 s. Journies accompt

For entring of every Originall writ delivered of Record in reall and mixt actions, 2 s. Intr. brĩ. de Recordo.

Fees for Writs.

FOr every writ of Prohibition, or Conſultation, not exceeding foure ſheets, 2 s. Prohibit. Conſultã.

For every ſheet exceeding, 4 d.

For every Whithernam, *Return. Habend.* after appearance, ſecond deliverance, writ of priviledge, *Habeas Corpus*, *Procedendo*, *Certiorari*, Summons, and Reſummons, *pet. cap. ven. fac. Scir. fac. Elegit*, *Extent. Superſed. Subpen.* Writ to to the Biſhop, Attachment. *Diſtring*, *Iur. Habeas corp. & diſtring. in Aſs. & Attinct.* and the like, *habere fac. ſeiſin haberi fac. poſſ.* Writ of View, *Mittimus*, *Idempitat.* Spiã. Brev.

ptitat. nominis, and every other ſpecial writ, 2 s

Intr.brev. For the entring of every ſuch other writ which requires an entriug, not exceeding three ſheets, 2 s

For every ſheet more, 12 d

Teſtat. diſtring. Iuquir.de damã. For every *Teſtat.caſa. & Teſtat. fieri fac. d ſtring. ad deliberand.* and writs to inquire of damages in Treſpaſſe, and Replevin. 12 d.

Inquí. de damã. For writs to enquire of damages in Covenant, Ejectment, Actions upon the Caſe, and the like, 2 s.

Cap.pro.fine. For every *Cap. pro fine*, 6 d.

Exfã·ſur.pro fine. For the Exigent of a *Cap. pro fine*, 10 d.

Brĩã.a gard. For entring the Retourn in every writ in the Prothonotaries Roll, other then the Retourne, *Non eſt invent.* and upon the *Scire fac. nulla hab bona*, whereupon any further proceſſe is awarded, not exceeding foure ſheets, 2 s

For every ſheet more, 12 d.

Baile Sur. Habeas Corpus, &c. For the entring of every writ of priviledge, or *Habeas corpus*, with the baile for one cauſe, 6 s.

For every cauſe more, 2 s.

Mittimus. For the entry of every *Mittimus die & cauſa*, 2 s.

For

For every reverſall upon an Outlawry, for default of Proclamation, with one name, and the baile upon a *Nolle proſequi*, 5 s. 4 d. Utl. reverſis.

For every name more, 2 s.

For every reverſall, for every inſufficient Exigent, or retourne for one name, 8 s. 4 d.

For every name more, 2 s.

The Fees aboveſaid, are the Fees which were uſually and accuſtomably taken in my Office of chief Prothonorary of the Court of common Pleas at Weſtminſter, in *Ann* 32. & 33 *Eliz. nup.* Reg. *Angl.* in which year I was admitted to the ſaid Office, and as I verily think, the ancient Fees of the Court. Mr. Brownlowes Subſcription.

Brownelowe.

M. Gulſtons *ſubſcription.*

IN *Anno xvi. Jac.* Reg. I came to my Office of ſecond Prothonotary of the ſaid Court of Common Pleas, and the Fees before mentioned were the Fees which uſually and accuſtomably then were taken, and I doe verily think them

them to be the ancient Fees of the Court, belonging to my Office.

Gulſon.

Mr. Moyles *Subſcription.*

THe Fees before recited are the Fees which were uſually and accuſtomably taken in my ſaid Office of third Prothonotary of the ſaid Court, *in Anno* 3. *Car. Reg.* in which inſtant year I was admitted to the ſaid Office, and I verily think they are the ancient Fees of the ſaid Court.

Moyle.

The Prothonotaries Clarks Fees.

Copie. INprimis, For the copies of Common Declarations and Pleas, for every ſheet written as aforeſaid, 4 d.

For every ſheet in reall and mixt Actions, and actions upon any Statute, and the like, 8 d.

Tract. For drawing every ſpeciall Declaration and Plea, for every ſheet, 8 d.

Continuance. For every continuance every Term, of every Iſſue, Writ, Impurlance, Demurrer, ſpeciall Verdict, or Adjournment. 4 d.

For

For exemplifying of every Recovery with a double Voucher, 6 s. Exemplificā:

For every Voucher more, 12 d.

For exemplifying of any Record, not exceeding eight ſheets, 5 s.

For every ſheet more, 6 d.

For drawing every extraordinary long Writ, after the rate for every ſheet 8 d. Tract. Brīa.

For the entry thereof, if it ſhall ſo require, for every ſheet, 4 d. Intratuo. brī.

For the copy of a judgement, for every ſheet, 8 d. Cop. Judic.

For the entry of every Writ, and returne thereof into the Prothonotaries remembrance, for the drawing up of a judgement, if it exceed not three ſheets, 6 d. Intrbrē. in Rem.

For every ſheet above, 4 d.

For entring every Common Rule in the Bill of Pleas, or common Remembrance, 4 d. Regulæ.

For entring and ingroſſing of every Summons for a Recovery, and for making of a writ of Summons, 2 s. Ingroſſ. Summō.

For the entry of every *Mittimus*, and *Dedimus poteſtatem*, for a Recovery, 2 s. 6 d. Mittimus.

For ingroſſing of every *Niſi prius*, after

after the rate of 4 d. for every ſheet, 4 d.

Intr. Brē. For entring every *Teſtat. Fieri fac. & Scire fac.* 4 d.

The Fees of the Clark of the Inrollments, of Warrants, and Eſtreats, in the common Pleas, as are now, and have been taken theſe two and thirty yeares, and as I conceive were taken ever ſince 31. Eliz. ſaving the Fees hereafter mentioned, allowed, per ordin. Cur.

Inrollments. EVery Inrollment containing a ſide of a Roll, 5 s.
For a full Roll, 10 s.
And ſo according to the rate,

War. Attourn. Every Warrant of Attourney *in deb. tranſgr & detinue.* 4 d.
The Sheriffes warrants, 12 d.
Every other warrant, called double warrants, 8 d.
For a *Poſt Termin.* 4 d.
The Lord Major of London his warrant, 5 s. 8 d.
The Secondaries of the Compters in Eaſter Term yearly, 13 s. 4 d.

Attourn. Jur. For entring of an Attournies name in

in the Roll of Attournies, upon his first admittance, 3 s. 4 d.

For a warrant upon a writ of Covenant, *per ordin. Cur.* 4 d. War. sur fine.

William Rolfe.

Paid to the Clarke by every Attourney 4 d. a Terme, called the Roll groat, which is paid to the Judges Box, and I conceive it to be due ever since 11 *Eliz.* 4 d. Rot. Attourn.

Paid also to the Clark by the Prothonotaries 12 d. upon every Recovery, which is also paid to the Judges, 12 d. Recuperat.

To the Clark when an Attourney is first sworn. 12 d. Attourn. Jur.

The Cirographers Fees.

Inprimis, The ancient Fee limited by Stat. 11. *Eliz.* for every Fine, 4 s. Fines

Item, From 4. *H.* 7. for the service in proclaiming Fines, 8 d.

Item By Stat. 23. *Eliz.* for writing the Roll, 4 d.

So the Cirographers Fee for every Fine is. 5 s.

Other Fees also due, and anciently paid to the Cirographer, videlicet.

Exemplificā. FOr exemplifying a Fine the Term in which it was ingrossed, 2 s,8 d.

Copies. For every sheet of every Fine, of twelve lines copied out of the Record 12 d.

Serches. For the sight of every Record being ancient, from *H.*8. upwards, 3 s.4 d.

For the search of every Fine from *H.*8. to this present, for every year, 8 d.

For the search of every Fine during the Raigne of *H.*8. for every year, 12 d.

Certiorā. For certifying of every Record by Writ of Error, 12 s.

Quid Jur. clam, &c. For a *Quid juris clamat, quem reddidit, reddit, & per quæ servie.* 6 s.

Claymes. For entring a claime upon a Record, 5 s.

Pt. Fines. For allowing of Proclamations upon Fines brought into the Office after the Term ended, 6 d.

Pt. Terminū. For the *post Termin.* of a Fine, 12 d.

William Blake.

The

The Cirographers Clarkes Fees for ingroſſing of Fines by the Attournies which ſue them out.

THE Cirographers Clarkes have received an allowance of the Attournies for their paines for them, which heretofore have been more advantageous unto them than now it is, being reduced to 2 s. 6 d. in certaine, had and made at the requeſt of 100. or 80. of the moſt ancient Attournies, with *John Brewer* Eſquire, Clark of the ſaid Office, in 20. or 30. of King *James*: To which agreement had and made in writing, the ſaid Attournies ſet to their hands, and the ſame was delivered to Sir *Edward Cooke* Knight, then chiefe Juſtice of the common Pleas, and hath ſo continued ever ſince, 2 s. 6 d. Fines ingroſſ.

For this allowance the Clarkes doe write more then all the officers through which Fines do paſſe, *viz.* They write every Fine long or ſhort, foure times over in a great ſet hand.

Randall.

Fees belonging to the Clark of the Treasurie.

Copie. FOr the copy of every issue, and imparlance for every sheet, 4d.

For every Judgement, Deed enrolled, and reall Action, for every sheet, 8d.

Searches. For the search of every Terme above ten years, 4s.

Exemplification. For every Exemplification not exceeding three sheets, 7s.

Records of Nisi prius. For every sheet more, 12d.

For every Record of *Nisi prius* not exceeding three sheets, 2s.

For every sheet more, 4d.

Ex. per Duncombe Cler. Thesaurar.

Tho. Richardson, *mil.*

Fees for the Keeper of the Treasury from 11. Eliz.

Searches. INprimis, For search of a Term above ten years, 8d.

For seven yeares under ten yeares, 4d.

For three years, 0

For search of a Plea Roll, 4d.

For

For a Roll carried into the Court, 6 d. Portã. Rot.

For making up a Term and Record, 3 s. Ligã. Rot.

For every Attourney sworne in Court, 12 s. Attourn. Jur.

For a Jury at Bar, 5 s. Jur. at Bar.

For a *Nisi prius* in Midd. 2 s. Nisi prius Midd.

For a Wager in Law, 5 d. Gager delay.

For a copy of a *Precipe* after the Terme, 18 d. Copia per Fines.

For a Fine acknowledged in the Treasury, 4 d.

For a Warrant of Attourney left unentred, and comes to be entred in the Roll after the Term, 4 d.

For an entry left out of the Kings silver, and comes to be entred in the Office. 4 d, Intrã. pt. Termi.

From the Clark of the Treasury for my attendance every Term, 5 s. Feod annuale:

For my Key after the Term. 18 d. Claves Thes.

William West.

Theſe be the Fees which I Henry Ewer, *Clark of the Kings Silver have taken ſince I became Officer, which was in* Mich. 16. Jac. Reg. *and were uſually taken before that time by Maſter* Gulſon *my Predeceſſor in the ſaid Office, and I doe believe they were due in* Anno 11 Eliz. *except* 4 d. *encreaſed by order of Court in Hillar. Anno* 1. Jac. Reg.

Fines in the Weſtern Circuit

In primis, For the Fees of every ordinary Fine taken by the Lord chiefe Juſtice of the common Pleas, or any Judge of Aſſize in the Weſterne Circuit, together with the copy, or *poſt fine*, 18 d.

Fines by ſpeciall Deed.

For every Fine taken in the ſame Circuit by ſpeciall Commiſſion, and for the copy of the *poſt fine*, 22 d.

Ordinary Fines.

For every ordinary Fine elſewhere in England, and Munmouthſhire taken as aforeſaid without Commiſſion, and for the copy, 10 d.

Weſterne.

For every Fine taken by ſpeciall Commiſſion out of the Weſtern Circuit, and for the copy, 14 d.

Severall Capti.

For every ſeverall Caption in any Fine where it is taken at ſeverall times by

by ſpeciall Commiſſion, over and above the former Rates, 4 d.

For every fine certified by *certiorari* after the death of any Judge, or other Commiſſioners, over and above the former Rates, 6 d. Certiorã.

For the *poſt Termin.* of every Fine brought in the next Vacation after the retourn of the Writ of covenant, 6 d. Pt. Termi.

For every ſearch of any Fine every Term, 4 d. Serches.

For every copy of the Entry of the Kings ſilver, 8 d. Copia.

For every Fee of a *Ne recipiatur* of any Fine either by Order or Warrant of the Court, or any Judge, 3 s. 4 d. Ne recipiatur.

For the continuing of any ſuch Order or warrant from Term to Term till it be diſſolved, 3 s. 4 d.

Henry Ewer.

The Philizers Fees.

Inprimis, For every Cap. Al. & Plur. Cap. in Debt, Detinue, and Treſpaſſe, not having more than foure names in a Writ, and Entry thereof, 6 d. Cap. al. & plur.

Item, for delivery of every firſt Cap. upon Record, and Entry thereof, 4 d. Delivery of Record of the cap.

Teſtat. Pone Sum. For every *Teſtat:* upon any of the ſaid Writs, *pon. in Replevin & Summons*, 12 d.

Briã. in compõ. *Item*, For every *Cap. Al. & Plur.* in Accompt, Covenant, Annuity, *Ejectionem firme*, and upon penall Stat. 12 d.

Actions ſuper caſum. *Item*, For every Writ in an action upon the caſe, or more, according to the length, 12 d.

Retorn. habend. For every retourn *habend.* and ſecond deliverance, and entry thereof, 2 s. 6 d.

Non omit. Withernam. For every *Non omit. & Cap.* in Withernam, 2 s.

Partition waſte. Quare Impedit. For every Writ of partition, *Warrant charte*, *Quare imp.* and Waſte, 12 d.

War. Cart. For every writ for enquiry of damages in reall actions, *Scire fac. & Superſed.* 2 s.

Inquī. de dam. Scire fac. ſuperſe. Gr. & pet. cap. For every grand *Cap. Al. ſum. pet. Cap.* and entry thereof, 2 s. 6 d

Copia inde. For the copy of the entry therof, 8 d

View. For the demand in every writ of view and entry thereof, 2 s. 6 d

Seizin. For every writ of ſeizin and entry thereof, 4 s. 6 d

For the view prayer, 2 s

For a copy of the entry thereof, 8 d

Habeas corp. & diſtring. For every writ of *Habeas corpus*, *duc. corum*; *diſtring. nuper. vic. & diſtring.*

hall

ballivum, 2 s

For every writ of Reſcous and entry thereof, 2 s — Reſcous.

For the entry of every adjournment, diſcontinuance, and reſort, 4 d — Adjournment. cont. reſort.

For every ſpeciall baile, and the entry thereof, 2 s. 10 d — Speciall baile.

For every apparance in reall and mixt actions, 4 d — Apparance.

For every apparance upon writs to arreſt, and the entry thereof, 12 d

For Searches, Copies, Number Rols, and giving of Rules, each of them, 4 d — Searches, Rules, Copies, Number Roles.

Exigenters fees.

EVer ſince the Stat. of *Hen.* 8. which gave the Proclamation upon the Exigent, the whole eſtate of the Exigenters Office did conſiſt in the making of three writs, *videlicet*, an Exigent, a *Superſed.* and a Proclamation. All which writs are warranted by one and the ſame Record. — Fees of Exigenters.

For all the time of our Remembrance and experience in the ſaid Court, which hath bin (by the moſt ancient of us) for about thirty years, or thereabout, the fees of the ſaid writs were as followeth, *videlicet*;

The

The Superſed. 2s
The Exigent, 11d
The Proclamation, 6d

Which fee of 6 d. was given by the Stat. of *6 Hen.* 8. being now about one hundred and ten years ſince.

About eight or nine years ſince the Superſed. (*quia improvide*) being the leaſt Writ in labour, and more in profit than both the other, was granted by Letters Patents under the great Seale of England, by the late King of famous memory, to Maſter *Iohn Murray*, then of his Majeſties Bebchamber, and partly to avoid conteſtation with his ſaid Majeſties grant, and upon hopes and promiſes of ſome recompence other way, the Exigenters did give way to the ſaid Patent, and have ever ſince loſt the benefit of the ſaid Superſed. whereupon the Judges did give encreaſe only of 1 d. to be taken upon the Exigent, for relief of the Exigenters and their Clarks, and ſo the Exigent was made 12 d. which increaſe of 1 d. is all the recompence which hitherto they have received for that great loſſe of the Superſed.

We have likewiſe heard that above forty

forty years ſince, and before our times by occaſion of an Act of Parliament, made 31 *Eliz.* whereby the Proclamation of the Exigent was much enlarged without any addition or encreaſe of fee, there was 1 d. added to the Exigent to be given to the poore Clarks for writing the ſaid Writs over and above the ancient allowance; which 1 d hath ever ſince been paid to the ſaid poore Clarks accordingly, without anybenefit to the Maſters themſelves.

Other increaſe, addition, or alteration of fees in our Offices wee know not of, nor ever heard of, although the length of the ſaid Exigent, or Proclamation with their entries, conſidering the loſſe of the *Superſed.* (all which wee humbly ſubmit to His Majeſties Commiſſioners) might perhaps have juſtly deſerved ſome further improvement. And it is certainly true, that no other encreaſe of fees hath been in our Officers ſince 11 *Eliz.* nor for ought we ever heard, or can by any meanes conjecture for theſe hundred years at the leaſt.

Richard Page, Charles Cooke,
Daniel Holford, Io. Millington.

HILAR

HILLAR. TERTIO *Caroli Regis.*

The Carke of the Iurors.

A Note of all ſuch Fees as are now uſually taken by the Clarkes of the Jurors of his Majeſties Court of common Pleas at Weſtmin. being the ſame, and no other then ſuch as have been taken time out of minde.

Habeas corpus. *Inprimis*, For a writ of *Habeas corpus Iurator.* in debt and treſpaſſe, 10 d

For the like Writ in all other actions, 16 d

Diſtr. For a Diſtring. *cum decem Tales*, 2 s. 4 d

Search Copy. Court Adjornmt. For a Termes ſearch, the copy of a Jury, a number Roll, and a diſcontinuance and adjournment for every of them, 4 d.

Io. Adie.

The Clarke of the Eſſoines.

Eſſoine excep. *Inprimis*, For every Eſſoine and exception, 4 d

For

For the copy, 4 d Copia.
For every adjournment, 4 d Adjournment.
For the copy, 2 d Copies.
For every *Idem dies*, 4 d Idem dies.
For every Nonſuit for want of adjournment in actions perſonall, 2 s. 4 d Non Pros.
For the Copy, 12 d.
For every Nonſuit in Actions real, 4 s. 4 d
For the Copy, 12 d
For the exemplification of every Eſſoin and Nonſuit thereupon when it ſhall happen, being very ſeldom, 7 s. 6 d Exemplific.
For the copy thereof, 3 s. 4 d
For the Clark, 12 d
For ſeverall fees from ſeverall Officers of the Court towards the numbring and marking of the Rolls, 4 l. 9 s Feod annu.

Fran. Hurſt.

Outlawry Office.

In the Kings Attourney generall his Office of the Outlawries executed by his deputy Maſter Johnſon, *the Fees are as followeth*, viz.

FOr a ſpeciall Cap. *Utlagat.* againſt body, lands, and goods, 2 s. 4 d Cap. utl. ſpeciall.

For

For a *Proprium*, 14d

Habeas corp. duces tecum. For every Writ of *Hab. corp. & duces tecum*, when they are ſued forth, 2 s. 4d

If a propr, 14d

Cop. utl. generall For a generall Cap. *Utlagat*, 10d

If a propr. 6d

Certificã. utl. in lect. For ingroſſing and certifying a ſpeciall Writ, with the Inquiſition retourned by the Sheriffe, of lands, or goods found thereupon, and for the Exigent, with the Returne thereof at large certified into the Exchequer, when it is required, the Office fee is 8 s. unleſſe it be commanded by the L. Treaſurer, Chancellor, or Barons of the Exchequer, or by the Kings Attourney generall, or Sollicitor, for his Majeſties ſervice only, then no fees is due, 8 s. *aut nil.*

Certificã. reverſall in ſcciũ. For ingroſſing and certifying a Reverſall into the Exchequer to diſcharge ſeizures upon outlaries, when any is, 5 s

And to the Clark, 4d

Exon. libri de utl. For entring the Reverſall in the outlary Office to diſcharge all Proceſſe thereupon, or upon any Writ of Error, 2s. 8 d

Certificã. utl. vel reverſall. For certifying of an Outlary, or Reverſall when it is pleaded, 2 s

And

And to the Clark, 4 d.

For ſearch of an Outlary one Term (as in all other Offices) 4 d. if above a year, then 3 d. a Terme, which is the utmoſt, 3 d Serch.

For entring and filing an Exigent, with one proceſſe thereupon, 4 d Filacc exig.

Theſe ſeverall fees aforeſaid were paid and received in Eaſter Terme 34 Eliz. *and ever ſince to mine own knowledge; for ſo long I have been and continued Clark and Deputy to all Attournies generall that have been ſince that time.*

Theſe (as I underſtand) are the true fees.

Ro. Heath.
Wil. Iohnſon.

The Fees of the Seale for Writs.

ALL Writs of the Kings Bench and common Pleas, 7 d Seales of writs.

The exemplification of the Kings Bench, 2 s. 6 d Exemplifica:

The exemplification of the common Pleas, 2 s. 2 d

Outlaries, 1 d

Propr. 1 d

Ri. Ligon.

Fees

Fees due to the Marſhall and Proclamator of the Court of common Pleas given by Order made by all the Iudges of the Court, Term. Trin. 31. H. 1. poſt conqueſtum, and received accordingly by the ſaid Marſhall and Proclamator, for any thing appeareth to the contrary, vntill 11 Eliz. and ever ſince.

Judgements. Fines.

In primis, For every Judgement, and Nonſuit, 4 d.
Item, For every fine, 8 d
Item, For every finall judgement, 12 d

William Senkey.

Chiefe Uſher of the Exchequer, and Marſhall, and Proclamator of the ſaid Court of common Pleas by Leaſe from *Clement Walker* Eſquire, who hath the ſame Office in inheritance by grand Serjeanty.

The foure Cryers.

HEreafter do enſue the good Ordinances and Rules made aſwell by the Kings Juſtices of the common Pleas in times paſt, as by the Juſtices now being for the good rule and order of the ſaid Court, which ſame now

Juſtices

Juſtices do charge and command every of the ſaid Officers and Attournies well and truly to obſerve and keep upon the paines therein limited.

Which ſaid orders were enrolled *Termin. Trin.* 35. H. 1. *poſt conqueſtum rot.* 494. *Io Prieſt* chiefe Juſtice of the common Pleas, *Ni. Auſten, Pet. Arder, Ro. Davers, Ro. Dawby, Wa. Moile* and *John Needeham*, Juſt. of the ſame Court.

The Cryers Fees from 11. *Eliz.*

FOr every judgement,	4 d	Judgements.
For every ſinall judgement,	12d	
For every Nonſuit,	4d	
For every fine,	8 d	Fines.
For every Recovery	8 d	Recoveries.
For calling a Jury if they fill not,	2 s	Juries.
For every Jury if they fill, and ſerve, and give up their Verdict the ſame day, at the Bar the ſame day, and for keeping them till then,	16 s	
If the Jury lie all night, that we be forced to watch and wait on them all night,	30 s	
For carrying every bundle of Records out of the Treaſury into the Court, and back againe into the Treaſury,	6 d	Carrying Roles.

Attourn. Jurat. For every Attourney that is ſworn, 6 s

Bayles. For every Baile, 12 d

Oathes. For every Oath in Court, 12 d

Wagers of Law. For every wager of Law, old Fees, 4 s. 4 d

Calling Scire fac. For every *Scire fac.* called in Court, 4 d

Niſi prius. For every *Niſi prius* before my Lord chief Juſtice, 4 s

Guardians. For every admittance to a Guardian, 12 d.

Ro. Heliard, Tho. Wickman,
Iohn Philpot, Will. Weſt.

The Fees of the keeper of the Court, from 11 *Eliz.*

Feod Annuale. FRom the Clarke of the Treaſury for hanging the Cloath of the Court, 6 s. 8 d

Wager of Law. For a wager of Law, and Wagermen, 9 s, 6 d

Juries. For a Jury at Bar, 5 s

Attournies. For every Attourney ſworne in Court, 12 d

Niſi prius. For a *Niſi prius* in Midd, 2 s

Bailes. For a Baile, 4 d

Fines. For a fine, 4 d

Deeds acknowledged. For a Deed acknowledged, 4 d

Satisfaction. For ſatisfaction acknowledged, 2 s

Will. Weſt.

The

The Fees of the Clarke of the Enrollments of Fines and Recoveries.

Inprimis, The fee due to the Judges by the Stat. of 23 *Eliz.* for inrolling of every fine and Recovery, 6 s. 8 d — Of Fines and Recoveries ingroſſ.

Item, Due to the Judges by the ſame Statute for exemplifying every inrolment, 5 s — Exemplification.

For ſearch of every fine inrolled for every year, 16 d — Search.

For copying every fine inrolled, for every ſheet, 12 d — Copies.

For the Clarks fee for inrolling by the Roll, 8 s. 8 d — Inrolements.

For exemplifying after the ſame rate, 8 s. 4 d — Exemplification.

For every Rule upon amendments, 3 s. 4 d — Rules for amendments.

For returning Writs of Covenants upon fines, and Writs of Entrie, Summons, and Seizins upon common Recoveries, as deputy of Record for Sheriffes appointed by the Court, the ancient fee is, 2 s — Return of writs Of entry. Covenant ſeizins &c.

The Porter of the Court, his fees from 11 *Eliz.*

Writs of entry. FOr every Writ of Entry with Mr. Attourney generall, 4d

Juries at Bar. For a Jury at Bar, 5s

Niſi prius. For a *Niſi prius*, 2s

Wagers of Law. For a wager of Law, 6d

Fines. For a fine acknowledged, 4d

Bailes. For a Baile, 4d

Satisfacti. For ſatisfaction acknowledged, 2d

Atturnies ſworn For the Attournies Oath, 12d

Guardians. For a Guardian, 4d

Io. VVade.

Alienation Office.

THo. Ravenſcroft, Fran. Poulton, Geo. Coultrop, Eſquires, Commiſſioners.

Tho. Bond Eſquire, Receiver.

Take no fees, but receive a certaine ſtipend from the King.

Fees taken by the Maſter of the Chancery, for that Office appointed,

Docquets. FOr ſigning every Docquet upon Licence and Pardon of Alienation, 2s

For

For every Writ of Entry, for lands holden in chief, 2 s — Pt. Writs.

For Writs of Entry of lands not holden in chief, 4 d

For Affidavits upon diſcharge of Tenures, 2 s — Affidavits.

Anth. Crofts.

The uſuall fees taken in the Office of Compoſitions for alienations, by the Clarks there.

FOr a certificate upon a Writ of Entry, 3 s. 4 d — Certificate.

For the warrant to the great Seale for pardon of Alienation, 10 s — Pardon.

For viewing the Subjects evidences, ſearch of the Tenures, and drawing, of the Affidavit with Proces, to be diſcharged, 6 s. 8 d — Diſcharges of Proces.

For a Releaſe in nature of a Pardon of alienation upon a common Recovery, and for the like releaſe upon a ſpeciall Livery, & alſo for a Releaſe upon a generall pardon at the Coronation, or other times for each of them, 13 s. 4 d — Relcaſes.

For the note of a Sheriffes diſcharge upon a ſeizure, 3 s. 4 d — Diſcharge of a ſeiſure.

For every Exo, and for certifying thereof

thereof into the Exchequer, 12 d

Acquittance. For the Sheriffes acquittance, 6 s. 8 d

Hum. Hurleſton.

Entry of Writs. FOr entring in a large booke every Writ of Covenant fineable, *videlicet*, in the Terme time, 6 d

And in the Vacation, 12 d

Licence of Alinā. For entring in another book remaining in the ſaid Office every Docquet upon a licence of Alienation in the Terme time, 12 d

And in the Vacation, 2 s

Pardon. For every Docquet for a pardon of Alienation in proces of *Diſtring.* or *Scire fac.* 2 s

Entry of Lands holden. For every Writ of entry of Lands holden *in capite*, and entred in the ſame book, 6 d

And in the Vacation, 12 d

Hen. Smith.

Indorſing brē. FOr endorſing every writ of Entry, 6 d

Intr. brē. For endorſing every writ of Covenant in Terme, 4 d

In the Vacation, 6 d

Diſcharges of Tenures. For entring unfiled writs, 6 d

For drawing the diſcharges of Tenures

Tenures in Parliament, and entring them, 7 s

Hugh Dodd.

The Under-Sheriffe of Middlesex taketh these fees following in his Majesties Court of common Pleas.

FOr a Warrant upon a Cap. for every name, 4 d — Warrant.
For returne of a *Venire fac.* 2 s — Retorn. Ven. fac.
For a Warrant upon a Cap. *Vtlagat.* 4 d
For retourne of a *Hab. corpora Juratorum,* 4 s — Retourne Hab. corpus.
For ſummoning the jury, for every name, 4 d — Sum. Jur.
For a *Cepi corpus,* for every name 4 d — Cepi corpus.
For retourne of an Exigent for every name, 4 d — Retorn. Exfā.
For retourne of a Proclamation, 12 d — Retourn. Proclā.
For retourne of a *Scire fac.* 2 s — Scire fac.
For retourne of a *Nihil habet* on a *Scire fac.* 12 d

James Prym Subvie.

The Warden of the Fleet, his Fees.

A note of the fees due and belonging to the Warden of the Fleete, and under-Officers, as appeareth by a commission under the great Seale of England *from the late Queene* Elizabeth *in the third Year of her Raigne, and confirmed in the 37 Yeare of her Raigne, what every severall prisoner in their severall degrees ought to pay.*

Commitments. AN Archbishop, A Duke, A Dutchesse, are to pay for their Commitment fee to the said Warden and his Officers, having the first weekes dyet with wine, 21 li. 10 s

Also they are to pay for their ordnary weekly dyet with wine, 3 l. 6 s. 8 d

Commitments. A Marquis, a Marquesses, an Earle, a Counteſſe, a Vice-Counteſſe, are to pay for their Commitment fee to the said Warden and his Officers, having the first weeks dyet, 14 li. 11 s

Also they are to pay for their ordnary weekly dyet with wine, 2 li.

A

A Lord Spirituall, or Temporall, a Lady, the wife of a Baron, or Lord, are to pay for their Commitment fee as aboveſaid, having the firſt weekes dyet with wine, 11 li. 5 s. 10 d

Alſo they are to pay for their ordinary weekely commons with Wine, 1 li. 6 s. 8 d

A Knight, a Lady, the wife of a Knight, a Doctor of Divinity, a Doctor of Law, or others of like calling; are to pay as aforeſaid for their Commitment fee, having the firſt weekes dyet with Wine, 5 li.

Alſo they are to pay for their ordinary weekly commons with Wine, 18 s. 6 d

An Eſquire, a Gentleman, a Gentlewoman that ſhall ſit at the Parlor commons, or any perſon under that degree, that ſhall be at the ſame commons; are to pay for their Commitment fee as aforeſaid, having the firſt weekes dyet with Wine, 3 li. 6 s. 8 d Commitments.

Alſo they are to pay for their Ordinary weekely commons with Wine 10 s

A Yeoman, or any others that ſhall be at the Hall commons, man or woman

man; are to pay for their Commitment fee, having the firſt weekes dyet. 33 s. 4 d

Alſo they are to pay for their ordinary weekly Commons, 5 s

A poore man in the Ward, that hath part of the Box; is to pay for his commitment fee, having no dyet, 7 s. 4 d

Licence to goe abroade.

Alſo there is due to the ſaid Warden 20 d. per diem, *for the whole day, and* 10 d. *for the halfe day, for every man that hee may lawfully licenſe to go abroad.*

Retourn of writs

MOreover the ſaid Warden hath for retourn of writs as Sheriffes, and Bailiffes of liberties have, by which he hath allowance for retourn of every *Hab. corp.* or Attachment, 2 s. 4 d

Alſo for every *Habeas corpus cum cauſa*, there are fees for retourning the cauſes. *videlicet*:

For allowing the Writ, 2 s. 4 d
For retourning the firſt cauſe, 2 s
For every execution, 2 s
For every action, 12 d

Bringing a priſoner to the Bar.

Which are due to the Wardens Clarkes, and 5 s. to the Wardens ſer-

ſervants for bringing every priſoner ſafe to the Bar.

Alſo he hath for allowance of every Superſed. and diſcharge, 2 s. 4 d

Allowance of a Superſed.

Alſo when any man is committed by Order out of the Courts of Starcehamber, Chancery, Court of Wards and Liveries, Court of Exchequer, Court of Requeſts, and Court of Duchie, the Wardens ſervants (being ſent to apprehend them, and bring them to the Fleete, according to the tenour of their commitment) have 4 d. the mile where they are apprehended, and 6 d. the mile back again, and the Clark hath 2 s. for making the Writ.

Travelling charges for apprehending parties committed.

Hen. Lello.

THE JURORS PRESENTMENT, February 15. 1627.

THE Certificate of us whoſe names are here under-written, Attournies of the Court of Common Pleas, given and preſented the fifteenth day of *Feb.* 1627. unto his Majeſty

Majesties Commissioners for inquiry after exacted fees, and innovated Offices according to the Oath to us, by them in that behalf administred.

Officers. *Inprimis*, As concerning what Offices were usually holden, kept, or executed in the said Court, in the eleventh year of the Raigne of our late Soveraigne Lady Queene *Elizabeth*; Wee say that our knowledges doe not extend so far, but for the time of our respective knowledges, there hath been in the said Court, these particular Offices and Places following, *videlicet:*

The Custos Brevium.
The Prothonotaries.
The Clarke of the Warrant.
The Chirographer.
The Clarke of the Treasury.
The Clarke *of the* Outlaries.
The Proclamator *of the* Court.
The Cryers *of the Court, whom we take to be but Substitutes to the Proclamator.*
The Clarke *of the Kings Silver.*
The Phillizers.
The Exigenters.

The

The Clarke *of the* Juries.
Th clarke of the Errors.
The Seale *Office.*
The clarke of the Eſſoines.
The Keeper of the Court.
The office of Inrollments, *of* fines *and* Recoveries, *erected by Stat.*
The Porter *of the Court.*

And for new erected Offices, we never knew of any other, then the Office following.

An Office called the *Superſedeas* office which (as we are informed) is granted by Letters Patents under the great Seal of England. Superſedeas Office.

Touching what fees, Rewards, Sum, or Summes of money were in the ſaid eleventh year of the Raigne of our ſaid late Soveraigne Queene *Elizabeth*, or at any time ſince uſually, or accuſtomably Taken, Received, or had by the Judges, Counſellours, or Practiſers, Officers, or their deputies, or other Miniſters, Clarkes, Regiſters, or Attournies of the ſaid Court, we do certifie as followeth:

The

Judges Fees. *The Iudges fees that have been usually, or accustomably paid, during our remembrance,* viz.

Allowing writs of Error. IN*primis*, For allowing a writ of Error upon a single judgement, 17 s. 6 d

Signing writs. For allowance of a Writ of Error upon a judgement . upon a *Scire fac.* or upon an Outlary after judgement, 35 s

Bayles. For signing every Writ of priviledge *Procedendo superſed.* upon *a Procedend.* or *Hab. corp.* 4 s

6 d Page ſequē. For a baile upon a Writ of priviledg at their Chamber, one cauſe only being certified, 9 s. 8 d

For every cauſe more, 2 s

Prohibi. For a Prohibition, 9 s. 8 d

Confeſſions. For confeſſing a judgement at a Judges Chamber, 9 s. 8 d

Affidavits. For an Affidavit before a Judge out of Court, 12 d

For acknowledging of a fine out of Court, 9 s. 8 d

Fines. For certifying of a fine, or retourne of a *Dedimus poteſtatem*, and note of the *Precipe*, 16 d

For

For every Warrant of Attourney for Recovery taken out of the Court, 9 s. 8 d — Warrants of Attournies for Recovery.

For Reverſing of an Outlary out of Court for one name, 9 s. 8 d — Outlaries reverſed.

For every other name, 2 s

For every witneſſe for the proof of a ſuggeſtion upon a Prohibition out of Court, 9 s. 8 d — Proofe of Suggeſtions.

For admiſſion of a Guardian out of Court, 9 s. 8 d — Admiſſion to Guardians.

For a privy Verdict, 9 s. 8 d — Privy verdict.

For ſigning of an Imformation, 4 d — Informations.

For a licence to compound upon an Information, 2 s. 6 d

For acknowledging of a deed to be inrolled in court, 12 d — Deeds acknowledged.

For acknowledging of a deed out of Court to be inrolled 9 s. 8 d. now they take but, 4 s

For taking of a ſpeciall Baile upon meane proces out of Cout, in the Phillizers office in Term, 22 d — Bayles.

For taking a ſpeciall baile upon mean proces after the Term, 9 s. 8 d — Bayles.

For a Warrant under a Judges hand to paſſe a fine, where are more than three Cognizors, or three cognizees, which was not taken till, 12. *Iac. Reg. per ord. cur.* 4 s — Warrant for paſſing Fines.

Serjeant

Serjeants Fees.

As for counſellors, there are none attending at the Court of common Pleas, other then Serjeants at law, whoſe ancient Fees have bin as followeth, viz.

Serjeants Fees.

FOr a motion, or ſetting his hand to a ſpeciall Plea, 10s

For a triall at Bar, or an argument upon a demurrer, 20s

For Fines and Recoveries.

For drawing a Recovery at Bar to every Serjeant uſed in the ſame Recovery, 3 s. 4d

For declaring of a fine at Bar, 3 s. 4d

The Cuſtos Brevium.

THe fees mentioned in the certificate under Mr. *Spencers* hand hereto annexed are the uſuall, and accuſtomed fees, which during our remembrance have bin paid, Except.

Fines.

The ſumme of 12 d. demanded in the fees of every fine formerly certified, which of late times hath been taken more then heretofore was anciently taken, and was firſt claimed by them for retourne of Writs of covenant under colour of Deputations from the Sheriffes,

riffes, and now is claimed for keeping three parts of a fine which we hold not to be due.

Alſo the 20 d. demanded for filing of every Writ after the Terme, and ſo for every Terme after 20 d. whereas the Fee of 20 d. is not to be paid for filing of any Writ after any Terme, unleſſe it be filed after the laſt filing day of the next ſubſequent Terme, after the retourn thereof; and more than 20 d. ought not to be paid for filing of any Writ, unleſſe it be above a year after the retourne. P. Terminum.

Alſo the fee of 12 d. for filing of every Writ of Entry, Summons, and Seizin upon common Recoveries taken by the clarkes of that Office, which we hold not to be due, for that 4 d. ought to be paid and taken as their Maſters fee for a *poſt diem*. Writs of Entry, ſum. & ſeizin.

And we alſo certifie that there hath bin uſually and accuſtomably paid to the *Cuſtos Brevium*, or his clarkes, the fees following, *videlicet*.

For every *Ne recipiatur*, comming under a Judges hand, or by order in court, 12 d Ne recipiatur.

For every note of *Jurors* names for No. a. Jur.

the Clark of the Juries to make further proces by, 8d

Nota Exſi. For every note of an Exigent, for the clark of the Outlaries to make further proces by, 8d

Copie. For the copying of every Writ, or other Record, for every ſheet, 8d

Scrutacõ. For the ſearch of any booke of Entries of any Writs, for every Terme ſearching, 4d

As for the reſt of the fees mentioned in the ſaid certificate, the ſame being fees demanded by the Clarkes of the *Cuſtos Brevium* his Office, and Bagbearer to be allowed them by the Maſter of the ſaid Office, we know not any ſuch fees to be due unto them, and do certifie, that if any ſuch be, the ſame are to be paid to the ſame Clarkes, and Bagbearer by their ſaid Maſter out of the fees before recited, and no others.

In the Prothonotaries office.

FIrſt, wee doe finde nothing to the contrary, but that all the fees certified by the ſaid Prothonotaries, are the uſuall fees that have been accuſtomably

mably paid during the time of our remembrance, but wee certifie further that there hath been taken by the ſpace of ten years laſt paſt, or thereabouts upon every judgement in perſonall and mixt actions over and above the 4s. in the Bill of their fees certified, and more than anciently was paid, 12 d. which they informe us the Judges have for aſſeſſing of coſts. Aſſeſſing of coſts 12 d.

There hath been alſo taken by their clarkes for about twelve or fourteene years laſt paſt 4s. for the reverſall of every Outlary in Court not formerly taken, neither is it certified by them which wee are informed is for the Judges fee in liew of an ancient Fee of 9 s. 8 d. due to the Judges, when the ſame was reverſed at their Chambers. Utlaries reverſed

The Secondaries Fees.

THere hath beene taken by them by the ſpace of ſixteene yeares laſt paſt, or thereabouts 12 d. upon every common Recovery drawne at the Bar, more than formerly, or is now certified by the Prothonotaries, but the reaſon, or ground therof we know not. 12 d. For Recoveries.

In the Clarke of the Warrants Office.

WE can say nothing against the Certificate of the fees of the Clarkes of this Office, but that they have usually beene accustomed to bee paid during our remembrance saving.

Warrants on fines.

That there is, and hath beene by the space of eleven yeares or thereabouts taken by him more than formerly upon every fine 4 d. for a warrant of Attourney which we know not to be used before.

12 d. On recoveries.

Also there is in the last mentioned certificate certifiedonely by Mr. *Mew* mentioned to be paid to the Clarkes of the said Prothonotaries, 12 d. upon every Recovery, which we know not to be due.

In the Phillizers Office.

WE do also certifie that the fees mentioned in the Certificate of the Phillizers, intituled, the fees which the Phillizers of the common Pleas now take, have beene usually and accustomably paid during our remembrance

brance for ought we know to the contrary, saving,

That there is taken 4 d. upon every first Cap. and 8 d. upon every apparance of the Defendant in every action more than was formerly taken before 14 *Iac. Reg.* which is so taken by vertue of an order of the Judges made upon the reasons expressed in the said Order. 4 d On Cap. 8 d. On apparā.

And for the 8 d. claimed for the copy of the entry of every grand Cap. Al. Summons & *Pet. Cap.* we know it not to be due. Copies of grand. Cap. &c.

In the Exigenters Office.

WE also certifie that the Fee of 2 s. for a *Superſed.* for such of them as were made in the said Office, was anciently, and usually taken in the said Office, untill a Patent was granted of the said *Superſed.* and that the fee of 10 d. was anciently and usually taken untill about 31. *Eliz.* for every Exigent except propr. and that ever since there hath beene taken more for every Exigent 1 d. and for the space of six years last past or thereabouts, 1 d. more, The reasons we know not, but 2 d. Exigentē.

refer the ſame unto the certificate of the Exigenters.

In the Chirographers Office.

Fines ingroſſ. WEE acknowledge that the fees certified by the Chirographer himſelfe, are the uſuall and accuſtomed fees which haye beene paid all the time of our reſpective knowledges, but as to the fees certified under Maſter *Randals* hand for the Clarkes fees of that Office, we know no ſuch fees due to them for writing the Chirograph of the ſaid fine, but we ſay, there hath been uſed to be given to the ſaid Clark that ingroſſeth the ſaid fine 12 d. for a gratuity.

12 d. For a gratuity.

In the Office of the Kings Silver.

Entry of Fines. WEE certifie that the ancient and uſuall fees for entring the Kings Silver, of every fine was onely 6 d. and for every *Certiorari* for every fine certified by *Certiorari* after the death of a Judge 6 d. and for every ſearch for a fine for every Terme 4 d. and for the copy of the entry of the Silver, for every ſheete 8 d. if the copy be required, and for every *Ne recipia-*

Cert'orari.

Serch.

Copie.

Ne recip.

tur,

tur, or *Ne intratur* of a fine 12 d. And if the fine come in after a Terme, and after the Rolls are made up to be delivered up out of their hands, the ſaid Clark of the Kings Silver was allowed reaſonable recompence for his paines, but no certain fee.

And as concerning all the other fees mentioned in the certificate under the hand of Maſter *Henry Ewer*, Clarke of the Kings Silver, We certifie that the ſame were taken by the ſaid Clarke of late yeares, and ſince the ſaid eleventh yeare of the ſaid late Queene *Elizabeth* the moſt ancient of them being not above thirty yeares or thereabouts, and the reſt of far later time, whereof 4 d. hee demandeth by vertue of an Order of the Judges in that behalfe made: The copy whereof, is to the certificate annexed.

In the Office of the Clarke of the Treaſurie.

THe Fees mentioned in the Certificate under the hand of the Lord chiefe Juſtice *Richardſon*, for the fees of the Clarke of the Treaſury, wee acknowledge to be the uſuall and accuſtomed

customed fees which have beene paid during our remembrance, Except, *videlicet*:

Search. 8 d. Of the 4 s. demanded for search of every Terme above ten yeares, the ancient fee due to the Clarke of the Treasury is but 3 s. 4 d. and the 8 d. residue is due to the keeper of the Treasury, and is claimed by him in his certificate.

And wee also certifie that besides the Fees certified by the Lord chiefe Justice *Richardson*, there is due to the under Clarke in the Treasury for examining any booke or old Record of *Nisi prius*, or any Transcript of Record, with the Records in the Treasury, if it exceed not eight sheetes, 12 d. and if more, then after that rate, and for making and examining the Jurat. of every Record of *Nisi prius* 4 d. But whereas of late there hath beene demanded and taken by the under Clarkes of that Office for the exemplifying of every Recovery with single Voucher 4 s. 6 d. and for exemplifying any other Record, not exceeding eight sheetes, 5 s. and for every sheete more, 6 d. and for ingrossing every Record of *Nisi prius*

Examining Records.

Jurat.

Exemplification.

Ingross Nisi prius

prius upon old iſſues for every ſheete 4 d. We doe certifie that there are no ſuch Fees due unto them; And that the Fees due for thoſe Exemplifications and Ingroſſements are ſatisfied and contained in the fees certified by the Maſter of the ſaid Office.

The Cryers Fees.

THe Fees mentioned in the Certificate under the Cryers hands, We thinke are the uſuall and accuſtomed Fees which have been paid during our remembrance, except.

The Fee of 2 s. by them demanded for the calling of every Jury at the Bar when they fill not, the ancient fee being but 12 d. Calling Juries.

The Fee of 16 s. by them demanded for keeping of every Jury during the ſitting of the Court, the ancient Fee being but 4 s. Keeping Juries.

The Fee of 30 s. for keeping a Jury all night, the ancient Fee being but 8 s. and no more.

The Fee of 6 s. for every Attourney ſworn in Court, the ancient Fee being but 4 s. and no more. Attourn. ſworne.

The Fee of 12 d. for every baile taken

taken in Court, there being no fee at all
Bailes. due unto them.

The Fee of 12 d. for every Oath in
Oaths. Court, and for every *Scire fac.* called in
Scire fac. called Court, 4 d. and 12 d. for every Guardian
Guardians. admitted in Court, there being no
such Fees due unto them to our know-
ledges.

As for the fees of 4 d. for every judg-
Proclamators Fees. ment, 12 d. for every finall judgement,
4 d. for every Nonsuit, 8 d. for every
Fine, and 8 d. for every Recovery, We
know no such Fees due unto them, and
they be the same which the Proclama-
tor claimeth and hath.

In the Office of the Keeper of the Treasury.

THe Fees mentioned in the certificate
under the Keeper of the Treasuries
hand, We thinke to be all the usu-
all and accustomed Fees which have
beene paid during out remembrance,
Except,

Searches. IV d. for a search after three years,
till ten years, nothing being due.

Rolls carrying. The Fee of 6 d. for every Roll car-
ried into Court, there being no such
Fee due, other then for a Plea Roll.

The

The 2 s. 6 d. for every Jury at Bar, 12 d. being only due, and no more to our knowledge. Juries at Bar.

The 2 s. 6 d. for a *Niſi prius* in Middleſex, 12 d. only, and no more being their due. Niſi prius Midd.

The 18 d. for his key after the Term, 12 d. only being due. Key pr. Termi.

And as for the Fee of 3 s. for making up the Term and Records, 6 d. for every wager of Law, 18 d. for a copy of a *Precipe* after the Terme, 4 d. for a Fine acknowledged in the Teaſury, and 5 s from the Clark of the Treaſury for his attendance every Term, we know not any of them to be due. Binding Records Wagers of Law. Precipe pt. Termi Fines Treaſury, Feod annuale.

In the Outlary Office.

THe Fees mentioned in the certificate under the hand of Maſter Attourney generall for the Fees of the Clark of the ſaid Office we acknowledge to be the uſuall and accuſtomed Fees which have been paid during our remembrances.

But we do certifie that under colour of theſe Fees, where there be more defendants than one in a Writ, there is by them taken for the entry of the reverſall Exonerã. libri de utl.

ſall to diſcharge Proces thereupon or upon a Writ of Error for every name, 2 s. 8 d. whereas wee conceive there is but 2 s. 8 d. due for all in one Writ of Exigent, that be reverſed at one time.

Search. Where there is demanded for ſearch of an Outlary for every Terme within one year 4 d. and for every Term above the year, 3 d. we certifie it is but only in caſe where ſearch is made by a ſtranger, and not by the Attournies for Writs ſued out by themſelves.

The Proclamators Fees.

THe Fees mentioned in the certificate under the hand of Maſter *Senkey* for the Fees of the Proclamator, we thinke to be the uſuall and accuſtomed Fees which have been paid to that Officer: But wee certifie that the Prothonotaries, and the Cirographer doe receive the ſaid Fees, and not that Officer himſelf, which Fees are now claimed by the Cryers.

Clarke of the Juries.

AS for the Fees mentioned in the certificate of the Clark of the Juries, under

under his hand we certifie they be the uſuall and accuſtomed Fees which have bin paid ſince and during our remembrance.

The Clark of the Eſſoines.

THe Fees mentioned in the certificate under his hand, Wee thinke to be the uſuall Fees which have been paid to that Officer during our remembrance.

The 7 s. 6 d. demanded for exemplifying of every Eſſoine and Nonſuit thereupon, and 3 s. 4 d. for the copy thereof, We know no ſuch Fee to be due unto him. Exemplification.

And as for the Fee of 4 li. 9 s. by him demanded from the Officers of this Court, towards the numbring and marking of the Rolls every Term, We know not any ſuch Fees due unto him, and if it be, We think it be not within our enquiry. Fees from Officers.

The Court Keeper.

VVHereas this Officer requireth 9 s. 6 d. For every Wager in Law, his due being onely 22 d. the reſt is to be divided amongſt the Cryers, Wagermen, Wagers of Law.

Jur. at Bar. Wagermen, and other Officers, and for the 2 s. 6 d. for a Jury at Bar, we certifie that there is onely 12 d. due, and no more.

Hanging the cloth of the Court. For the Fee of 6 s. 8 d. from the Clark of the Treasury for hanging the cloth of the Court, We know no such Fee due to him, and if it be, it is from the Clark of the Treasury, and so under favour (as we conceive) not within our enquiry.

Attournies sworn Nisi prius Midd. Bayles. Fines Recoveries Satisfactions. And as for the Fee of 12 d. for every Attourney sworn in Court, 2 s. for a *Nisi prius* in Middlesex, 4 d. for a Baile, 4 d. for a Fine, 4 d. for a Recovery at Bar, and 2 d. for satisfaction acknowledged, Wee say there are no such Fees due.

The Porters Fees.

THe Fees mentioned in the certificate under the Porters hand, We think are the usuall and accustomed Fees during our Remembrances paid, Except,

Trialls at Bar. The Fee of 5 s. for every triall at Bar, his due being but 12 d.

Nisi prius Midd. XII d. For a *Nisi prius*, his Fee being but 6 d.

IV d.

I V d. For a Fine which is not to be paid, but for every Fine acknowledged by a Feme covert in Court. Fines

I V d. For every Writ of Entry, 4 d. for a Baile, 2 d. for ſatisfaction acknowledged, and 4 d. for a Guardian, Wee certifie that there are no ſuch Fees due.

The Clarke of the Errors Fees.

FRom the now Clarke of Errors we have no certificate, but [for] the Fees formerly certified by Maſter *Moile* late Clarke of the Errors, we thinke that the Fees by him certified, are the Fees which uſually and accuſtomably were paid during our remembrance, Except.

The Fee of 3 s. by him demanded for a *Superſed. de non moleſtando*, there being but 2 s. due, and 2 s. for marking of the Record. Superſed.

The Fee of 2 s, 4 d. for a Nouſuit upon a Writ of Error, we certifie it is not due. Nonſuit.

The Clarke of the Inrollments.

THe Fees certified by Maſter *Jackſon* for the Fees of that Office, wee certifie

certifie to be the Fees due by Statute Except,

Search. The Fee of 16 d. by him demanded for ſearch of every Fine to be inrolled for every yeare, whereas the Fee by Statute (as we conceive) is but 4 d. a ſheet.

Copies. The Fee of 12 d. for copying every ſheete of every Fine inrolled, whereas the Fee (as we conceive) is but 4 d. a ſheet.

Clark fees for inrolling. And as for the Fee of 8 s. 4 d, for the Clarkes Fee for inrolling by the Roll,

Exemplifying Rules for amandments. and 8 s. 4 d. for exemplifying after the ſame Rate, and for the 3 s. 4 d. for the Rule upon amendments, we doe certifie that we know no ſuch Fees to be due.

Retorne of writs of Entry Covenant, &c. And as for the Fee of 2 s. demanded for retourning Writs of Covenant upon Fines, Writs of Entries, Summons, and Seizins upon common Recoveries, as deputies of Record for Sheriffes appointed by the Court, we do certifie that the ſame Fee is not due unto him, but was anciently due and taken by the Attournies, and allowed them for returning of the ſaid Writs, and their better care to avoide Errors in ſewing

ing forth the ſaid Fines and Recoveries.

The Attournies Fees.

WE do certifie the Attournies Fee for proſecution is, and during our remembrance have beene for every Term in every reall action, 6 s. d 8 Feod Attourn.

And in every other action, 3 s. d 4

Bookes and Tables.

TOuching the having of any Books, Tables, Rolls, Orders, Warrants, Records, Entries, or other Notes, or Writings for the diſcovery of thoſe things we are charged with, We doe certifie that we have not any in our cuſtody, neither do we know where any are, but only in ſeverall Offices by us certified.

John Nichols.	*Roger Dowdeſwell.*
Peter Noyes.	*Rob. Benſon.*
Geo. Holland.	*Will. Corfield.*
Roger Hide.	*Tho. Blofield.*
Rob. Hanſon.	*Fra. Newbone.*
Io. Wickeſteade.	*Anth. Rogers.*
Io. Eunburye.	*Anth. Langſton.*
Io. Skinner.	*Geo. Needler.*
Nich. Allen.	*Will. Cragge.*
Fra. Kempe.	*Peter Bird.*
Io. Rowley.	*Edw. Ball.*
Edw. Waller.	*Ro. Hamby.*
Io. Tyrer.	*Rich. Morſe.*

The Fees here under mentioned are the Fees due and paid to the Lord chiefe Iuſtice, and the other Iuſtices of the Court of common Pleas at Weſtminſter, as they were due, and uſually paid to our Predeceſſors, Iuſtices of the ſame Court.

The Lord chiefe Juſtice his Fees.

Writs of Error. FOr allowance of a Writ of Error upon an Outlary before judgement, 20 s

For

For a Baile taken upon an Outlary upon mean Proces in debt, if the debt be 20 l. or above, 2 s. 4 d

For the allowance of a Writ of *Error* upon a judgement, 20 s

For Baile taken in case of debt after judgement, 12 s

For the allowance of a Writ of *Error* upon a judgement upon a *Scire fac.* and Outlary after judgement, 35 s

For marking the Roll that a Writ of *Eeror* is allowed on, 2 s — Making the Roll.

For a *Superſed.* 3 s — Superſed.

For the tranſcript of a Record being a preſſe, 6 s. 8 d — Tranſcript.

For every preſſe more, 6 s. 8 d

For the return of every *Certiorari*, 14 s. 9 d — Certiorari.

For the ſeale of every Record of *Niſi prius*, 2 s. 1 d — Seale Niſi prius.

For the ſeale of every Writ ſealed in Court, 1 d — Sealing of writs

For the ſeale of every Exemplification, 2 d — and Exemplifications Fines.

The Fees following are due to ſuch of the Iudges who do perform the buſineſſe.

FOr acknowledging of a Fine or Warrant of Attourney for a com-

mon Recovery out of Court, 6 s.8d

Signe writs. For signing every writ of priviledge to remove any cause, *Habeas corpus*, *procedendo*, or *Superſed.* upon a *Procedendo*, 4s

Bailes. For every Baile taken out of Court upon any ſuch Writ of priviledge, wherein one cauſe onely is retourned, 9 s.8d

For every cauſe more, 2s

Confeſſions. For the confeſſion of a judgement out of Court, 9 s.8d

Bayles. For every Phillizers Baile, and other Baile taken out of Court, 9 s.8d

Satisfaction. For acknowledging ſatisfaction out of Court, 9 s.8d

Deeds acknow. For acknowledging out of Court a Deed to be inrolled, 9 s.8d

Guardians. For admiſſion of a Guardian out of Court, 9 s.8d

Suggeſtion. For the proof of a ſuggeſtion out of Court, for every witneſſe, 9 s.8d

Warrant for fine. For a warrant for paſſing of a Fine, where there are more than three Cognizors, or three Cognizees parties to the Fine, 4s

Affidavits. For every Affidavit taken out of Court upon a forraigne Plea, or Reſcous, 2s

For

For any other Affidavit taken out of Court, 8 d.

For exhibiting of an Information out of Court, 8 d — Informations.

For ſigning a Bill of coſts to award an Attachment for not appearing upon a *Subpœna*, 8 d

For granting a Licence to compound upon a penall Law, 2 s

For aſſeſſing of the Kings part of a for'eiture upon a penall Statute after compoſition with the Informer, 2 s

For the commitment out of Court, of a priſoner to the Fleet, charged with one cauſe only, 9 s. 8 d — Commitments.

For every Baile taken out of Court upon an Outlary in debt upon meane proces reverſed, if the ſame be 20 l. 2 s. 4 d. — Bayles on Outlaries.

Divident Fees.

Theſe fees following are due to the Lord chief Iuſtice, and the other Iudges of the Court of common Pleas, by way of Divident. — Fees in Court to the box.

FOr confeſſing of a Judgement in Court, 6 d — Judgements.

Satisfaction. For acknowledging satisfaction in Court, if the debt or damage do not amount unto 100 l. 6 d

If the debt or damage do amount to 100 l. 12 d. and for every 100 l. after the same rate, 12 d

Guardians. For admitting an Infant in court to his Guardian, 12 d

Ult. For reversing an Outlary in Court for Error in the Exigent, or Retourn, 12 d.

For the like for the insufficiency of the Proclamation, or Retourn, or for want of a Proclamation, 2 s

Recoveries. For every common Recovery acknowledged in Court, 6 d

Fines. For a fine acknowledged in Court, 6 d

Bayles. For a Baile taken in court, or a Baile

Recognizance. or Recognizance acknowledged in court, 12 d

Deeds. For a deed acknowledged in court to be inrolled. 12 d

Discontinuances For a discontinuance, 12 d

Prohibition. For a Prohibition granted, 9 s. 8 d

Wagers of Law. For every wager of Law, or Nonsuit upon a wager of Law, 6 d

Retourn, sworn. For admission of an Attourney to be an Attourney of this court, 20 s.

The

The Puisne Iudges fees.

FOr every fine drawn at the Bar, 12 d — Fines.
For a Recovery drawn at the Bar with a single Voucher, 18 d — Recoveries.
For every Voucher more, 6 d
For Reversall of an Outlary in court, 4 s — Reversalls.
For taking a privy Verdict, 6 s. 8 d — Privy verdict.
For taxing of costs upon every Verdict, 12 d — Costs taxed:
From the Clarke of the Warrants every Terme, to every of the puisne Judges, 33 s — Feod annuale Clericus Warr.
For every Attourney, whose name is recorded in the Roll of Attournies every Terme, 4 d — Rot. Attoũ.
For inrolling and examining the parts of a Fine, and Writs upon common Recoveries by the Statute 23. *Eliz.* 6 s — Inrolling fines & recoveries.
For the Exemplification and examination of the parts of a fine, and Writs upon common Recoveries by that Statute, 5 s — Exemplification thereof.
For drawing and entring a Rule for an amendment upon that Stat. 12 d — Rules for amendments.
For a search made upon the inrolment upon that Stat. 4 d — Searches.

For

Copies. For a copy of a fine, or writs inrolled upon common Recoveries inrolled by that Stat. for every sheet, 4 d

For the return of every writ of Covenant brought to levy a fine upon, 10 d

Retourn of writs of Covenant and Entries. For the Returne of every writ of Entry to suffer a common Recovery, every writ of Summons and Seizin thereupon, 10 d

Signing ded. Potestatem. An ancient fee of 6 s. 8 d. for signing of a *Dedimus Potestatem* due to the Judges of any court who do assigne the same, which is now, and of late hath bin divided amongst all the Judges that ride the circuits.

These Fees following are due to the Clarkes of the Lord chiefe Justice, and other the Justices of the said Court.

Fines. TO the Judges clark of the fines, for taking of a fine, or warrant of Attourney, 3 s. 4 d

Warrants of Attournies. For certifying of a Fine, or Returne of a *Dedimus potestatem*, 16 d

Bayles. To the Judges clarke of Bailes, for taking every Baile, 12 d

For

For entring every caveat to give notice that good Baile may be taken, 12 d — Caveat.

For ſatisfaction acknowledged out of Court, 12 d — Satisfact.

For a Deed acknowledged out of Court to be inrolled, 12 d — Deeds acknowledged.

For the proof of a ſuggeſtion out of court for every witneſſe, 12 d — Suggeſtion.

For an Affidavit taken out of Court, 4 d — Affidavits.

For entring into his Book an Information exhibited out of court, 4 d — Informations.

For entring into his Booke of coſts a Warrant ſigned to award an attachment for not appearing upon a *Subpœna*, 4 d

For admiſſion to a Guardian, 12 d — Guardian.

For entring into his book a licence to compound upon a penall Law, 4 d — Licences.

For entring into his book the Kings part of the forfeiture upon a penall law aſſeſſed by the Judges, after compoſition with the Informer, 6 d

For entring into a Booke, a commitment out of Court of a priſoner to the Fleet, charged with one cauſe only, 12 d — Commitments.

To the puiſne Judges Clark of the Inrollments, for copying, inrolling, and — Inrolements.

Fines and Recoveries, &c.

and examining the parts of a fine, and Writs upon a Recovery by the Statute. 23. *Eliz.* 8 s. 4 d

For a ſearch made for an inrollment upon that Stat. 8 d

For Writing a fine, or Writs inrolled upon a common Recovery inrolled by that Stat. 8 d.

Tho. Richardſon, Rich. Hutton, Fra. Harvey, Geo. Crooke, Hen. Yelverton.

FEBRUARII XVII. 1628.

ACcording to an order of his Majeſties Commiſſioners for inquiry after exacted Fees, and innovated Offices, Wee whoſe names are hereunder ſubſcribed, have met and peruſed the Judges Certificate of fees to us delivered by the ſaid Commiſſioners, which in our former preſentment or certificate we could not ſo exactly ſet down, as we did the Officers Fees, for that we received from the Commiſſioners ſeverall certificates of the

the ſeverall Officers of the ſaid Court, concerning all their ſeverall Fees, but we then had not any certificate from the Judges of their Fees by them demanded and certified, but wee now having received a certificate by the ſaid Commiſſioners from the ſaid Judges, do now this ſeventeenth day of *Febr.* 1628, upon due conſideration thereof had certifie as followeth, *viz.*

The Lord chiefe Juſtice his Fees.

Inprimis, Touching the 20 s. mentioned by the Judges certificate for allowance of a Writ of Error, upon an Outlary before judgement, or upon a writ of Error upon a judgement, which in our former certificate wee mentioned to be but 17 s. 6 d. upon either of them. We certifie now, that for our reſpective knowledges there hath bin paid in the whole 20 s. for every of the ſame, but we conceive 2 s. 6 d. thereof was for the Lord chief Juſtice his clark, and only 17 s. 6 d. for the Judges. Writs of Error.

Concerning the 2 s. 4 d. for a Baile taken upon an Outlary upon meane proces Bayles on Outlaries.

Proces, the debt being 20 li. or above mentioned in the Judges certificate, we certifie that the ſame hath bin uſually paid ſince an Order made by the Judges concerning the putting in of a Baile in that caſe.

Bailes of debt. Touching the 12 s. mentioned in the ſaid certificate for a Baile taken in caſe of debt after judgement, we certifie that ſince the Statute made for putting in of Baile in that caſe, the ſame hath bin uſually paid.

Marking error on the Roll Superſedeas Touching the 2 s. for marking the Roll the writ of Error is allowed upon and 3 s. for every *Superſed.* We certifie the ſame hath bin uſually paid to the Clark of the Errors, but whether as due to the Judge, or his Clark, we know not; yet ſome of the ancienteſt men of the Jury ſay, that there was anciently paid for every ſuch *Superſed.* but 2 s. as we formerly certified in our former certificate under the title of the Fees of the clark of the Errors.

Seale of Niſi prius. As to the Fee of 2 s. 1 d. for the ſeale of every Record of *Niſi prius*, the ſame hath bin ſo anciently paid, ſaving in caſe of Propr.

Touching the Lord chiefe Juſtice his

Fee of 1 d. for the ſeale of every writ ſealed in Court, and 2 d. for the ſeale of every Exemplification, we certifie them to be due, and parcell of the Fee of 7 d. and 2 s. 2 d. certified in our former certificate under the title of Fees of the Seale Office. Seale of Writs & Exemplification.

Touching the reſt of the Fees mentioned in the Judges certificate to be due to the Lord chiefe Juſtice, we have uſually paid the ſame, and therefore do think them to be due.

The Fees due to ſuch of the Iudges as performe the buſineſſe

TOuching the Fee of 6 s. 8 d. for the acknowledging of a fine, or warrant of Attourney for a common Recovery out of Court, we certifie as formerly, that 0 s. 8 d. hath been uſually paid for the ſame in the whole, but (as we conceive) the Judge hath only 6 s. 8 d. and his Clark the reſt. Fines and Warrants of Atturni.

Touching the 2 s. certified for an Affidavit taken out of Court upon a forreine Plea, or Reſcous, we certifie that the ſame hath been anciently paid, but how the ſame hath bin anciently Affidavits.

divided

divided between the Judges and Clarks we know not.

Touching the 8 d. certified by the Judges of every other Affidavit taken out of court, we do certifie as in our former certificate, that we have uſually paid 12 d. for the ſame, whereof we conceive 4 d. is allowed to the Judges clarks as appeareth by the Judges own certificate of their clarks Fees.

Licences. Touching the Fee for granting a Licence to compound upon a penall Law, we certifie as heretofore we have done, that anciently 2 s. 6 d. hath bin uſed to be paid, whereof we conceive 2 s. due to the Judge, and 6 d. to his clark.

Utl. Reverſall. Touching the 9 s. 8 d. for every reverſall of an Outlary out of court, we certifie that uſually we have paid ſo much for one name, and if there have bin more names than one in the writ, then for every other name 2 s.

Bayle ſur. utl. Touching the 2 s. 4 d. for Baile taken out of court upon an Outlary in debt upon meane proces reverſed, if the debt be 20 l. or above, we certifie that ever ſince the Order was made by the court for putting in Baile in that caſe

caſe, the ſame hath been uſually ſaid.

Touching the 4 s. certified for a warrant, for paſſing a fine where there are more than three Cognizors, or three Cognizees parties to the fine, we certifie that it hath beene paid ever ſince the order made in that behalf, as we have certified in our former certificate. Warrants for paſſing fines.

Touching the reſt of their Fees we certifie that we have uſually paid the ſame during our reſpective practiſes, and therefore thinke them to bee due.

The Divident Fees.

TOuching the Fee of 20 s. mentioned to bee paid for the admiſſion of every Attourney to be an Attourney of the ſame Court, wee doe certifie that the ancient Fee was only 2 s. howſoever of late years 20 s. hath been paid, *videlicet*, for about ſixteen years. Attournies ſworn.

Touching the reſidue of the Fees certified by way of Divident, we do certifie that wee have uſually paid the ſame during our reſpective practiſes.

The

The Puisne Iudges Fees.

Fines. Recoveries. TOuching the 12 d. certified for every fine drawne at the Bar, and 18 d. for every Recovery with a ſingle Voucher drawne at Bar, and 6 d. for every Voucher more, wee certifie the ſame to have beene uſually paid to the hands of the ſaid Secondaries.

Taxing of Coſts. Touching the 12 d. certified for taxing of coſts upon every judgement, we refer our ſelves to our former certificate in that behalf made under the title of the Prothonotaries.

Fees from the Clerke of the Warrants. Touching the 33 s. for every Puiſne Judge from the clark of the warrants, we ſay it paſſeth not through our hands, nor lyeth in our knowledge, but becauſe the Judges have certified it, we (knowing nothing to the contrary) think it to be due.

Return of writs of Covenant. Entry, &c. Touching the fee of 10 d. for retourn of every writ of Covenant brought to levy a fine upon, 10 d. for the retourn of every writ of Entry to ſuffer a common Recovery, every writ of Summons and Selzin thereupon, we certifie as before we have done, under the title

title of the Clark of the Inrollments, (whereunto we refer our ſelves) and conceive the ſame to be parcell of the 2 s. claimed by the Clark of the Inrolments.

And touching the reſidue of the Fees certified to be due to the Puiſne Judges only, we do certifie that we have uſually paid the ſame during our reſpective practiſes, and therefore think them to be due.

Subſcribed thus.

Anth. Langſton.
Geo. Needler.
Fra. Kempe.
Edw. Waller.
Ro. Hyde.
Io. Rowley.
Roger Dowdeſwell
Ni. Allen.
Jo. Skinner.
Io. Tyrer.
Io. Bunbury.
Io. Wickeſteade.
Tho. Blofield.
Ro. Benſon.
Will. Cragge.
Peter Bird.
Will. Corfeild.
Edw. Ball.
Ro. Hanſon.
Ro. Morſe.
Geo. Holland.

Ex. per me Johan. Dibley Reg. Clericum dic. Commiſ.

A TABLE OF THE DUE FEES *Of* The Prothonotaries in the Court of the Commons Pleas, *duodecimo Caroli Regis.*

Theſe are the Fees due and belonging to the three Prothonotaries of the Court of common Pleas at Weſtminſter for Entries of Declarations, Pleas, and Iudgements. And alſo for making and entring of Writs in their ſeverall Offices, and for other dues belonging to them, confirmed and allowed by our Soveraigne Lord King Charles, *by his Letters Pattents under the great Seale of England, dated at Cambury the* 22 *of Iuly, in the* 12. *year of his Raigne, and are mentioned and expreſſed in a Schedule of fees to the ſaid Letters annexed, and recorded in his Majeſties Court of common Pleas at Weſtm. in the Terme of S.* Michael *next following*, quinto, ſexto, ſeptimo, octavo, nono.

Common Declã. & Pleas.

IN *primis*, for the entry of every common Declaration, common Plea in Bar, wherein no Freehold is pleaded, common Replication, and Rejoynder in actions perſonall, 12 d.

For

For the entry of every ſpeciall Declaration, ſpeciall Plea in Bar, or Abatement, Freehold, Replication, or Rejoynder, and Pleas ſubſequent, in actions perſonall, not exceeding three ſheets, every ſheet containing twelve lines at the leaſt, and every line containing ten words, 2 s — Speciall Narr. in actions perſonall.

And for every ſheet ſo exceeding, 8 d

For every Declaration in actions upon the caſe *Ejectione firme*, accompt, annuity, conſpiracy, covent, deceit, partition, *Plegiis acquiet.* and debt upon Statutes, plaint in Aſſize, and the like ſpeciall actions, and in reall mixt and popular actions, if the declaration or plaint exceed not three ſheets, 2 s — Speciall Narr in ſpeciall actions.

And for every ſheet exceeding, 8 d

For the entring of every Bar, Replication, and Pleas, ſubſequent in every of the actions laſt above recited, and in the like actions, not exceeding three ſheets, 2 s — Bar in ſpeciall actions.

And for every ſheet ſo exceeding, 8 d

For the oyer of every Bill, Obligation, Indenture, Record, or Certificate, or the like, entred *in hæc verba*, not exceeding the length of three ſheets, 2 s — Oyer defendant's

And for every ſheet above that

length 8 d

Apparances. For recording of every apparance by the Court, 2 s, 4 d

Recognizance Challenge. For the entry of every Recognizance without condition, challenge to the Sheriffe or Coroners, or to the Aray, or other ſpeciall averments, 2 s

And for the entring of every Recognizance with a condition, 4 s

Judgements. For every judgement in debt, Treſpaſſe, or detinue, without a tales for the Prothonotary, 2 s

Adjournments. And for entring of every adjournment, 4 d

Judgements. For every Judgement with a Tales, beſides the Fee above recited, 2 s

Remanets. For every *Remanet*, and judgement for coſts given to the defendant by the Statute beſides the Fee above ſaid, 2 s

Judgements. For every judgement in all other actions aſwell perſonall, as mixt, and reall, and prohibitions, and the like, 4 s

Satisfaction, Recordatur, diſcont. Retraxit Nolle proſequi. For every Satisfaction, *Recordatur*, Diſcontinuance, *Retraxit*, Relinquiſhment, *Nolle proſequi*, or the like, in actions perſonall, 2 s

And in reall actions, 4 s

Recoveries. For the entry of a ſingle Recovery, and the Writ of ſeiſin thereupon, 10 s. 6 d

And

And for every Voucher more, 4 s

For the entry of every *Mittimus & Dedimus poteſtatem*, for a common recovery, 6 s

For the entrance of a Summons *ad Warr.* for a common Recovery, and the writ of Summons *ad Warr.* 4 s. 6 d

For the entry of a *Certiorare* to certifie a warrant of Attorny for the tenant or vowcher, 4 s

And if for both, 6 s

Forraine Voucher.

For every forraigne Voucher ſent to the common Pleas to ſummon the Vouchee, if the Record be not above three ſheets, 2 s

And for every ſheet more, 8 d

The like Fees are to be paid when the Record is remitted back again, after the Voucher determined, 2 s. 8 d

Speciall verdict.

For the entry of every ſpeciall Verdict, whereupon a *Cur. adviſar. vult* is entred, being not above the length of three ſheets, written as aboveſaid, 2 s

And for every ſheet exceeding that length, 8 d

Generall verdict.

For the entry of every generall Verdict, with a *Cur. adviſar. vult.* without a Tales, 2 s

And with a Tales, 4 s

Remittitur.

For the entry of every Remittitur of

debt or damages, 12 d

Information. For the entry of every Information upon any penall Law, and ſigning the *Subpena* only, 2 s. 8 d

Prohibition. For the entring of every ſurmiſe for a Prohibition to be granted, not exceeding the length of three ſheets, as aforeſaid, 2 s

And for every ſheet above that length, 8 d

Proofe de ſuggeſt For the entry of the Oath of every witneſſe to prove the ſurmiſe in a Prohibition, or *Audita querela* brought by an *Infant*, and the entry of the proofes *de morte & vita virim*, dower, and the like actions and ſuits, 2 s

Releaſe de default. For the releaſing of any default in any reall action, 2 s

And entring the recitall of the grand Cape. 4 s

Damage cleere. For damages cleer in every action where damage is given, if the damage given amount to five markes or above, 2 s. in the pound, 2 s

And if under five marks, *Nihil.*

Exami. Record. For examining every Record of *Niſi pri.* 12 d

Record in Coun. Palatine. For making the Record for triall of an iſſue in any of the County Palatines

tines for the first three sheets, 2 s
And for every sheet more after, 4 d
For the Exemplification of any Record, not exceeding six sheets, 5 s — Exemplification.
And for every sheet exceeding that rate, 8 d
For the entring of Seisin in dower, and dying seised, the retourn of the Seisin, exceeding not above three sheets, 4 s — Seisin in dower.
For every sheet exceeding, 8 d
For entring of writs of Exemption *de non ponend. in jurat.* and Patents *de libertat. allocand.* and Protections, cognizance of Pleas; and the like, according to the rates aboveſaid, if they exceed not three sheets, 2 s — Non ponend. in assis. Cogni. de Pleas.
And for every sheet exceeding, 8 d
For the entring the default upon the distresse in wast *quare imp.* and the like, and judgement thereupon if the title or count do not exceed three sheets. 6 s 4 d — Judgement per default in waste. Qua. Impedit.
And if it be more than as aforesaid, for every sheet, 8 d
For entring of a *Quo Warranto*, if it exceed not three sheets, 2 s — Quo warranto.
For the entry of every Plea therupon, according to the same rate before 2 s. 8 d

For

Accounts before Auditors. For the entry of a Plea of accompt pleaded before Auditors, if it be not above three ſheets written as above-ſaid, 2 s

And if more, for every ſheet exceeding, 8 d

Severances. For the entry of every Summons, and

Aide Pryer. Severance, and Aide Pryer, 2 s

Admiſſion of Infants. For the admiſſion of an Infant to his *Prochein amie*, or Guardian, 2 s

And if it be by Commiſſion, 4 s

Cap. pro fine Contempt. For entring of the Defendants diſcharge upon a *Cap. pro fine*, or for a contempt, 2 s

Reſcous. For the like upon Reſcous, retorned and admitted to his Fine, 4 s

For traverſing of a Reſcous, and iſſue thereupon, 6 s

Pardon. For entring of the allowance of every generall and ſpeciall Pardon of Outlary before judgement, and after, 5 s. 4 d

Dies dat. For entring of a *Dies dat.* in debt, detinue, and treſpaſſe, 12 d

And in all other actions, 2 s

Receipt. For the entring of the receipt of a feme Covert, Tenant in taile, Leſſee for years, or the like, 2 s

And for the entry of the Plea, if it exceed

exceed not three ſheets, 2 s

And for every ſheet exceeding, 8 d

And if the receipt be by writ, then more for entring of the writ, 2 s

Aſſize. For the entring of an Aſſize delivered in the common Pleas by Juſtices of Aſſize to be inrolled, for every ſheet, 12 d

And if the Aſſize come into the common Pleas by *Certiorar.* then more for entring the *Certiorar.* 2 s

Abridgement. For entring every abridgement of the demaund in dower Aſſize, or the like, 2 s

Pone. For the entry of every *Pone* to remove a Plea by writ out of the County court there holden by Juſticies, and for the returne of the *Pone*, 4 s

Mittimus. For the entring of any Record ſent in the common Pleas by *Mittimus*, or otherwiſe; and likewiſe for the entry of every *Rege inconſulto*, or ſuch like, if it exceed not three ſheets, 2 s

Rege inconſulto.

For every ſheet ſo exceeding, 8 d

Certificate of baſtardy. For the entring of every Certificate of Baſtardy certified by the Biſhop, and the awarding of the writ and judgement thereupon, 6 s

For the entry of the Licence of the Court,

Journies accompts. Court, to purchaſe a new writ by Journies accompts, 2s.

Delivery of Record. For the entry of every Originall writ delivered of Record in reall or mixt actions, 2s

Challenge. For the entry of every ſheet above three ſheets of every challenge to the Sheriffe or Coroners, or to the Array or other ſpeciall averments, or the like, 8d

Remanet. For the entry of every *Remanet* in reall actions, 4s

Remittitur. For the entry of every *Remittitur* in reall and mixt actions. 2s

Aide Pryer. For the entry of every ſheet above three ſheets of every aide pryer, 8d

Admiſſion to Guardians. For the entry of an admiſſion of a Guardian, if it be by Commiſſion and *Mittimus*, 6s

Privy Seale. For the entry of a privy Seale, for every ſheet, 8d

Licence. For the entry of the Licence of the Court to compound upon penall Statutes, 2s

Warrants of Attourney. For entry of every warrant of Attorney made by the Tenants in common Recoveries, or the like, after their appearance at the Bar, 2s

For every judgement by ſpeciall Com-

confeſſion of the title in' *Quare imp.* or the like, if it exceede not three ſheets, 4 s — Qua. Imp.

And for every ſheet after, 8 d

For the entring of every ſpeciall imparlance, 2 s — Speciall Imparlance.

For the entring of every Committitur of a Priſoner by the Roll, being brought to the Bar by writ, and every tender of the body in diſcharge of the Baile, 4 s — Committitur.

But if it be without writ, then in either Caſe but, 2 s

For entring of every demand of a priſoner to appeare and remand the ſaid priſoner, 4 s — Remand.

For the entry of every Eſſoine in the Plea Rolls, as upon Wagers of Law, 12 d — Eſſoine.

For entry of the Baile upon every Reverſall for inſufficiency of Exigent, or of the Retourn, 2 s. 4 d — Baile.

For the entry of every Declaration in debt upon demiſe, or the like ſpeciall Declaration, if the Declaration exceed not three ſheets, 2 s — Nar. ſur. demiſe.

And if ſuch Declaration exceed the number of three ſheets, then for the entry of every ſuch ſheet, containing twelve

twelve lines, and every line tenne words, 8d

Common Declā. For the entry of every ſeverall count upon an originall in Debt, Detinue, Treſpaſſe, and the like, 12d

Actions on the caſe. For the entry of every ſeverall Count in actions upon the Caſe and Accompt, and the like upon ſeverall

Accompt. dayes, if the count exceede not three ſheets, 2s

And for every ſheet ſo exceeding, 8d

Speciall conditī. For the entry of every ſpeciall condition, or indorſment of any obligation entred *in hæc verba*, not exceeding the length of three ſheets, 2s

And for every ſheet ſo exceeding, 8d

Common Condī. But if the condition be in debt for paiment of money at one day, or under the length of two ſheets, then for the entring thereof but 12d

Mittimus. For the entry of every *Mittimus*, or

Certiorari. *Certiorar.* and the Return thereof, 4s

But if the Retourn thereof exceed three ſheets, then for every ſheet ſo exceeding, 8d

Prohibition. For entring of the Count in a Prohibition, and pleadings thereupon after an appearance of the Defendant, not excceding the length of three ſheets,

heets, 2 s
And for every sheete above that length, 8 d
For the entry of every Writ of Attaint or false Judgement. 2 s — Attaint, false Judgement.
For the entry of the Retourn thereof and the assignement of Errors or false Oathes, not exceeding three sheets, 2 s
And for every sheet more, 8 d
For the entry of every sheet above three sheets of the Oath of every witnesse examined to prove the surmise in a Prohibition, or *Audita querela* brought by an Infant, and the entry of the proofs *De morte & vita viri* in dower, and the like actions and suits, 8 d — Proofes in a Prohibi. — Audita querela, And dower.

Fees due to the Prothonotaries for Writs, and the Entries of them amongst other dues. — Fees for Writs.

FOr every Writ of Prohibition or consultation, not exceeding foure sheets, 2 s — Prohibi.
For every sheet so exceeding, 4 d
For every Withernam return *habend.* after appearance, second deliverance, Writ — Withernam.

Habeas corpus. Sum. & al. brē. Spenal. Writ of priviledge, *habeas corpus*, *Procedend. certiorare*, Summons and Reſummons, *Petit*, *cape*, *ve. fac. ſci. fa. Elegit*, *extent. ſuperſs. Sub pena.* Writ to the Biſhop, Attachment in Aſſ. *Diſtringas Iur. habeas corpus*, and *Diſtringas* in Aſſ. *& attaint* and the like *habere Fac. poſſeſſionem*, Writs of view, *Mittimus*, *Idemptitat. nōtis*, and every other ſpeciall Writs, 2 s

Entry of Writs. For the entring of every ſuch Writ, which requireth an entring not exceeding four ſheets, 2 s

And if more, for every ſheet exceeding as aboveſaid, 8 d

Ca. fa fi. fac. For every *Ca. fa. & fi. fa.* 6 d

Teſtat. diſtr. enquire in truſ. For every, *Teſtat. ſur. ca. ſa. & fi. fa. diſtringas ad deliberand.* and Writs to enquire of damages in treſpaſſe and Replevin, 12 d

For Writs to enquire of damages in Covenant, Ejectment, Actions upon the caſe and the like, 2 s

Inquir. in caſu.

Cap. & Exi. pro. fine. For every *Capias pro fine*, 6 d

For the *Exigent*, upon a *Capias pro fine*, 10 d

Intrac. & Retor. Brī. For the entry of the Return of every Writ in the Prothonotaries Roll other than the *Ca. ſa.* return'd *non eſt invent.*

and

and the *fi.fa.* return'd *nulla habet bona*, whereupon further proceſſe is awarded not exceeding four ſheets, 2 s

And if more, then for every ſheet, 8 d

For the entring of every Writ of Priviledge or *habeas corpus*, with the Bayle for one cauſe, 6 s — Baile fur. privi. Habeas corp.

And for every name more, 2 s

For entry of every *Committitur* upon a *Habeas corpus una cum die & cauſa*, 2 s — Committitur.

And for every other cauſe, 2 s

For every Reverſall upon an Outlary for default of Proclamation with one name, and the Bayle or *nolle proſequi*, 4 s. 4 d — Reverſall.

And for every name more, 2 s

For every *Ca.ſa. & fi.fa.* after a *devaſtavit*, 2 s — Ca. ſa. & fi. fa. pt. Devaſtavit.

Whereof by allowance from the Prothonotaries the Clark hath had 8 d

For every ſheet exceeding four ſheets of Writs to enquire of Damages in Covenant, Ejectments, Actions upon the caſe, and the like Actions, 4 d — Inquire in caſu. &c.

For the Writ of Liberate, or the like ſpeciall Writs, 2 s — Liberat.

Whereof by allowance from the Prothonotary the Clark hath had 8 d

For

Intrcõſi. Bri. For the entry of every ſuch Writ and the entry of every other ſpeciall Writ which requireth an entry not exceeding four ſheets, 2 s

And for every ſheet ſo exceeding, 8 d

Diſtr. For every *Diſtringas* in detinue, 12 d

Whereof the Clarke by allowance from the Prothonotary hath had 4 d

Enquire in caſe, &c. For Writs to enquire of damages in Covenant, Ejectment, Actions upon the caſe, and the like Actions if they exceed not four ſheets, 2 s

Whereof by allowance from the Prothonotary the Clark hath had 8 d

Committitur. For the entry of every *Committitur*, upon a *habeas corpus una cum die & cauſa* with one cauſe returned beſides the entry of the Writ, 2 s

And for the entry of the writ, 2 s

And for every other cauſe returned, 2 s

Proces ſur. Informations. For the ſigning of all proceſſe upon information, excepting the firſt *Subpena*, 1 s. 4 d

The Prothonotaries clarks fees.

Copies. IMprimis, for the copies of common declarations and pleas, for every ſheet con-

containing twelve lines, and every line ten words, 4 d

For every ſheet in Reall and mixt Actions, and Actions upon any Statute and the like, 8 d

For drawing of every ſpeciall Declaration and plea, for every ſheet, 8 d. Draughts.

For every continuance every Terme of every iſſue writ, *imparlance, demurrer* or ſpeciall verdict or adjournment, 4 d Continuance.

For exemplifying every Recovery with a ſingle voucher, 4 s. 6 d Exemplification

For exemplifying of a double voucher, 6 s.

And for every voucher more, 12 d

For exemplifying of any record not exceeding eight ſheets, 5 s

And for every ſheet more, 6 d

For drawing of every extraordinary long Writ after the rate of every ſheet, 8 d Drawing of Writs and Entries thereof.

And for the entry thereof (if it ſo require) for every ſheet, 4 d

For a copy of a judgement for every ſheet, 8 d Copies of Judgements.

For the entry of every writ, and the returne thereof into the Prothonotaries Remembrance for drawing up of a judgement, if it exceed not three Entries in Remē.

sheets, 6d

And for every sheet after, 4d

Rules. For entring of every Common Rule into the Bill of Pleas or Common Remembrance, 4d

Sum. for Recoveries. For the entring and ingrossing every Summons for a Recovery, and for the making of the writ of Summons, 2s

Mittimus. For entry of every *Mittimus* and *Dedimus potestatem* for a Recovery, 2 s. 6d

Ingro. Nisi prius. For the ingrossing of every *Nisi prius*, after the rate for every sheet, 4d

Intrt. case testat. For entring of every *Testat. sur. ca. sa. & fi fa.* 4d

Searches. For the search of every Terme in the Prothonotaries office in his doggets or Remembrances, 4d

Court money. For the issuing out of the Court money, of the party receiving it, 1 d, *in l.*

Making long Writs. For the making of every long writ as Prohibitions and the like for every sheet, 4d

Cap. pro fine. For the prosecution and issuing out of Proces for the King to bring in the party for to make fine for his contempt, untill the party render himselfe or be Outlawed, besides the Fees of the Court, 3s. 4d

And

And if there be cauſe of Proſecution after the *Exigent* returned, then more, 3 s. 4 d

For the copies of ſuggeſtion to grant a Prohibition, for every ſheet, 8 d — Copy ſuggeſt.

For drawing of every ſurmiſe to have a Prohibition, ſpeciall verdict, and the like, for every ſheet, 8 d — Tract. Prohibiti. ſpeciall Verdit, &c.

The Prothonotaries Clarkes Fees for Informations onely.

FOr engroſſing of every Information, 8 d — Informations.

For a copy of the ſaid Information, if it amount to the number of five ſheets of paper, or upwards, 3 s. 4 d

If it be under the number of five ſheets, then for every ſheet, 8 d

For the making of every *Capias pro fine* upon an Information, 6 d

For entring of the generall iſſue upon the Roll where the information was firſt entred in the Terme it was firſt exhibited, 8 d

For the Regiſtring of every Licence to compund in the office book, 4 d

An ancient fee due to the second Prothonotaries clarkes only.

Fines. FOr recording of every fine acknowledged at the Bar, by writ and moved by a sergeant. 4d

Secondaries Fees. *Fees due to the Secondaries of the Prothonotaries in their severall Offices.*

Copies of Rules. FOr the copy of every common Rule, 4d

Drawing and entring of Rules For taking a note of the Rule of the judges in Court upon the motion of a sergeant, for drawing the same Rule in paper in Latin words and entring it into the Bill of Pleas, and the copy thereof, the draught not exceeding six lines in paper, 8d

If the Rule exceed six lines, then, 12 d

Wagers of Law. For every wager in Law in Court or Nonsuit of the plaintife, upon a wager of Law, 12 d

Committitur. For the entry of the *Committitur* of any defendant to the *Fleet* in execution of any judgement or otherwise in court, and for making a copy thereof for the Warden of the *Fleet* containing the cause of the Commitment, 12 d

For

For the entring of every Commitment to the *Fleet* of any perſon yeelding himſelfe in diſcharge of his Baile, and for the like copy, 12 d

For attending the Judge from his chamber to *Weſtminſter* to take a privy verdict tried at the bar 3 s. 4 d — Privy verdict.

For reading the Record of a demurrer in Court or verdict, 12 d — Rec. Record.

For taking Baile in Court, 12 d — Bayles.

For entring of an admiſſion of an infant to his prochin Amy or Guardian in the Prothonotaries remembrance, 12 d — Admiſſion to Guardians.

For the copy of the iſſue and jurors names to be delivered to the jury upon any triall at the Bar, 12 d — Copies of Iſſue & Jurors names.

For reading of evidences upon trials at the Bar of each party, plaintiffe and defendant, 3 s. 4 d — Trialls at Bar.

For entring of every ſatisfaction by ſpecill warrant *Recordatur* and diſcontinnance, 8 d — Satisfa. Recordā. Diſcontinnance.

For every ſatisfaction by generall warrant, 4 d — Satisfaction,

For entry of every Will or Letters of Adminiſtration to enable an Executor or Adminiſtrator to acknowledge ſatisfaction and the entry of the ſatis-

faction, 12d

Interrogatories. For every copy of Interrogatories, depoſitions of perſons examined upon Interrogatories by order of the Court for every ſheet, 8d

Per breve de Privato ſigillo,

Wolſeley.

A Table of the Fees due unto the Six clarkes of the Kings Court of Chancery.

For Copies. FOr all firſt, ſecond, or other Copies of all Bils, Anſwers, and other pleadings whatſoever, as alſo of all Certificates, and Examinations made or taken by vertue of any Commiſſion out of this Court, and of the interrogatories therewith retourned, and alſo of all Declarations, or proceedings by Engliſh Bill, or according to the courſe of the common Law, and for copies of Records, Rolls, or Evidences brought in to be copied, or remaining in the ſaid Court, for every leafe of paper containing fifteen lines, 8d

Inrolling of Patens, &c. For the inrolling of all Warrants, whereby

whereby any Patents, Commissions Licenses, Pardons, Leases, or other Graunts whatsoever doe passe by, and under the great Seale, after the rate for every skin so passing the great Seale, 20 s

For Commissions

For the inrolling of all warrants for all Commissions of peace, for Gaole delivery, for a liberty for Oyer and Terminer, for Piracies, for the preservation of the game of Swans, and for Commissions of enquiry sued out for the benefit of any private person, for every of the said Commissions, 20 d

For Licence, or pardon of Alie.

For the inrolling of all Warrants for all Commissions of appeale, and for the Admiralty, for every one of them, 3 s. 4 d

For the inrolling of every Warrant, for every ordinary Licence, or pardon of alienation, 3 s. 4 d

But if it be of more then ordinary length, then according to the length, after the rate of 20 s. the skin, and not above.

For Commissions of inquest of Tenures.

For the inrolling of all Warrants for all Commissions in the nature of

Writs of *Diem clausit extremum*, *mandamus*, *devenerunt*, *quæ plura ideota proband. lunatico inquirend. melius inquirend.* for every of them, 3 s. 4 d

For Wardships. For the inrolling of the warrants for every Patent or grant of the custody of any Ward, 6 s. 8 d

For Presentations. For the inrolling of the warrant for every presentation, donation, or revocation to any Rectory, Vicaridge, Deanery, Archdeanery, Chancellorship, Treasurership or dignity to any Metropoliticall, Cathedrall, or Collegiat Church, or for any Canonship, or Prebend in any of the said Churches, or for the Mastership of any Hospitall, or other Ecclesiasticall living, or for the grant of any presentation, or presentations *pro unica vel pluribus vicibus* thereunto, 3 s. 4 d

For the inrolling of the Warrants for every *Mandamus ad instalLand.* 3 s. 4 d.

Wine Licences. For the inrolling of all warrants for all Licenses for Wines for every life, 3 s. 4 d

Or

Or such Fee not exceeding that proportion, as by the Lord Chancellour, or Lord Keeper shall be set downe, and by an order lately made by the right Honorable the Lord Keeper that now is, there is but 6 s.8 d. paid, although it be granted for there lives, or more.

Pardons of Outlary.

For the inrolling of warrants for every pardon of Outlary, 3 s.4 d

Commission of Banckrupts.

For the inrolling of the warrants for every denization, or commission of Bankrupts, 3 s.4 d

Exemplifications.

For the writing of every Exemplification, aswell of Records in the Tower, as of any Record whatsoever, being in their custody, after the rate of every skin, 26 s.8 d

Atrournies Fees.

Of every Client for every Terme whilest his cause dependeth, undetermined by decree, or dismission, the termely Fee of 3 s.4 d

If there be twenty Plaintifes or more in one Bill, they all pay but one Fee for one terme, 3 s.4 d

But for every three Defendants accounting the husband and the wife but for one person, there is the Fee of 3 s. 4 d. due for their first appearance.

And

Aud upon the first appearance, if every Defendant appeare severally by himselfe, he is to pay the Fee of 3 s. 4 d. but every Terme afterwards during the continuance of the cause, there is only the Fee of 3 s. 4 d. the Terme to be paid for all the Defendants that appeared in any Terme or Vacation before in the same cause.

Attachments. For every Attachment, and attachment with Proclamation, which is made in their Offices, aswell renewed as other, unlesse the renovation grow by occasion of the default of the Clark, 2 s

Commission of Rebellion. For every commission of Rebellion renewed, or otherwise, unlesse renovation be by the like default of the Clark, 8 s

For the inrollment thereof, 2 s

And for the inrollment of every commission of Rebellion issuing out of the Court of Star-chamber. 2 s

Liberate. For the inrolment of every liberate and allocate, 3 s. 4 d

Commission of Oyer terminer or to examine witnesses. For every Commission aswell renewed, as other, to take an answer to heare and determine, or to examine witnesses, either beyond the Seas, or in any place or part whatsoever of *England*, *Scotland*,

land, or *Wales*, unleſſe the renovation be occaſioned by ſome defect in the former Commiſſion, occaſioned by the default of the Clark, and not of the Client, the ſum of, 6 s. 8 d

And if the Commiſſion to examine witneſſes be joynt, then to each Attorney, 6 s. 8 d

And if it be *ex parte*, then but one, 6 s. 8 d.

Commiſſions by Order of Court.

For every Commiſſion upon any order of the Court, aſwell renewed as other, unleſſe the renovation be by the like default of the Clark. 10 s

Brē. Execū. ordinis.

For every writ of Execution upon any Order, 6 s. 8 d

Ingroſſing of bils

For ingroſſing every Bill in Chancery hand, wherein anſwer is to be made by Commiſſion, for every leaf, 6 d

Decrees.

For drawing and inrolling of every decree and diſmiſſion reſpectively, 33 s. 4 d.

And neither they, nor their Clarks to take any further Fees,

For every writ of Execution upon a Decree, after the rate for every skin, 26 s. 8 d

Sheriffes Patents &c.

For the writing of every Sheriffes patent, and for the writ of aſſiſtance, writ

writ of discharge, commission to take the Sheriffes oathes, the Attournies Fee, as also for the warrant of Attourney, and the writing of the two oathes, 30 s. 8 d.

And for the ten divided Counties mentioned in the acts of Parliament made in 8. & 13. *Eliz.* to cleare all future mistakings or doubts, they shall for the time to come take but halfe so much as for other Counties, whatsoever hath beene used heretofore, and neither they, nor their under-Clarkes are to take by any colour any other Fee for Sheriffs Patents then aforesaid.

Escheator, Patents. The like Fees for every English Escheator, saving for the Warrant of Attourney, 30 s. 4 d

For the drawing and ingrossing of every Injunction, the Fee, 13 s. 4 d

Injunctions. But the inrolling of Injunctions is of little use, and needlesse, except only in speciall Cases, when the Court shall appoint them to be inrolled, and then it is to be done without any new Fee.

For

For every *Superſed.* for the diſcharge of any commiſſion, or other writ made in any of the ſix Clarkes Offices, 6 s. 8 d — Superſed.

For every *Superſed.* of priviledge, *pro venientibus vel redeuntibus ad vel a Cancellar.* 6 s. 8 d

For every ſpeciall *Certiorar.* or *procedendo corpus cum cauſa*, or *Habeas corpus*, 6 s. 8 d — Certiorari procedendo Habeas corpus, &c.

For every baile upon every writ of *corpus cum cauſa*, or matter of priviledge, 2 s — Baile.

For all manner of *Certiorar.* and *procedend.* of courſe, 2 s

For every Recogniſance or Bond made to the Court, 2 s — Recognizance.

The ſix Clarkes are to preſent their Clients cauſes which are to be heard either in Court, or at the Rolls, but neither they nor their under-Clarkes, nor any other are to take any Fee or reward at all therefore, but to reſt content with their Fees allowed in this table of Fees.

Ordinances

Ordinances made by the Right Honorable Francis *Lord* Verulam, *late Chancelor of England, for the better and more regular administration of Iustice in the Chancery, to bee duly observed, saving the Prerogative of the Court.*

1: NO decree ſhall be reverſed, altered or explained being once under the Great Seale, but upon Bill of review, and no Bill of review ſhall be admitted except it containe either Error in Law, appearing in the body of the Decree, without further examination of matters in fact or ſome new matter, which hath riſen in time after the Decree, and not any new proof which have bin uſed when the Decree was made. Nevertheleſſe upon new proof after the Decree made, and could not poſſibly have bin uſed at the time when the Decree paſſed; a Bill of review may be grounded by the ſpeciall licence of the Court, and not otherwiſe.

2. In caſe of miſcaſting being a matter

matter demonſtrative, a Decree may be explained and reconciled by an order without Bill of review, not underſtanding by miſcaſting any pretended miſrating, or miſcalling, but only errors in the auditing and numbring.

3. No Bill of review ſhall be admitted, or any other new Bill to change matter decreed, except the Decree be firſt obeyed and performed; as if it be for Land, that the poſſeſſion be yeelded; if it be for money that the money be paid; if it be for evidences, that the evidence be brought in, and ſo in other caſes which ſtand upon the ſtrength of the Decree alone.

4. But if any act be Decreed to be done, which extinguiſheth the parties right at the common Law, as making of aſſurance or releaſe acknowledging ſatisfaction, concealing of bonds or evidence, and ſ the like theſe parts of the Decree are to be ſpared untill the bill of review be determined, but ſuch ſparing is to be warranted by publique order made in Court.

5. No Bill of review ſhall be put in except the party that prefers it enter into Recognizance with ſureties for ſatis-

ſatisfying of Coſts and Damages for the delay, if it be found againſt him.

6. No Decrees ſhall be made upon pretence of equity againſt the expreſſe proviſion of an Act of Parliament. Nevertheleſſe if the conſtruction of ſuch Act of Parliament hath for a time gone one way in generall opinion, and reputation; and after by later judgment hath been controlled; then reliefe may be given upon matter of equity for caſes ariſing before the ſaid judgement, becauſe the ſubject was in no default.

7. Impriſonment for breach of a Decree is in nature of an execution, and therefore the cuſtody ought to be ſtraight, and the party not to have any liberty to go abroad, but by ſpeciall licence of the Lord Chancellour: but no cloſe impriſonment is to be, but by expreſſe order for wilfull and extraordinary contempts and diſobedience, as hath bin uſed.

8. In caſe of enormious and obſtinate diſobedience in breach of a Decree, an injunction is to be granted, Subpena of a ſum, and upon affidavit, or other

other ſuch proofe of perſiſting in contempt, Fines are to be propounded by the Lord Chancellor in open Court, and the ſame to be eſtraited down into the hamper if cauſe be, by ſpeciall order.

9. In caſe of a Decree made for the poſſeſſion of Lands, a Writ of execution goeth forth. And if that be diſobeyed, then Proces of contempt according to the courſe of the Court againſt the perſon to commiſſion of Rebellion; and then a Sergant at Armes by ſpeciall warrant; and in caſe the Sergeant at Armes cannot finde him, or be reſiſted, or upon the comming in of the party and his commitment, if he perſiſt in diſobedience, an injunction is to be granted for the poſſeſſion, and in caſe that alſo be diſobeyed, then a Commiſſion to put him in poſſeſſion.

10. When the party is committed for breach of a Decree, he is not to be enlarged untill the Decree be fully performed in all things which are to be done preſently; But if there be other parts of the Decree to be performed at dayes or times to come, then he may be enlarged by order of Court upon Recognizance, with ſureties to bee put in for the

performance *de futuro*. Otherwiſe not.

11. Where cauſes come to hearing in Court, no Decree bindeth any perſon, who was not ſerved with Proces *ad audiendum judicium*, according to the courſe of the Court, or did appeare in perſon in Court.

12. No Decree bindeth any that commeth in *Bona fide*, by conveyance from the defendant before the Bill exhibited, and is made no party neither by Bill nor order; but where he comes in *pendente lite*, and while the ſuite is in full proſecution and without any colour of allowance or privity of the Court, there regularly the Decree bindeth; but if there were any intermiſſion of ſuit, or the court made acquainted with the conveyance the Court is to give order upon the ſpeciall matter according to juſtice.

13. Where cauſes are diſmiſſed upon full hearing, and the diſmiſſion ſigned by the Lord Chancellor, ſuch cauſes ſhall not be retained againe, nor no new bill admitted, except it be upon new matter, like the caſe of the bill of review.

14. In caſe of all other diſmiſſions which are not upon hearing of the cauſe, if any new bill be brought the diſmiſſion is to be pleaded, and after reference

and

and report of the contents of both ſuits, and conſideration taken of the cauſes of the former diſmiſſion, the Court ſhall rule the retayning, or diſmiſſing of the new Bill according to Juſtice, and the nature of the cauſe.

15. All ſuits grounded upon Wills nuncupative, Leaſes paroll, or upon long Leaſes that tend to the defrauding of the Kings tenures, or for the ſtabliſhing of perpetuity, or grounded upon remainders put into the Crowne to defeat purchaſers, or for brocage or reward to make marriages, or for bargaines at play, and wagers, or for bargaines for Offices contrary to the Statute of 2°. E. 6. or for contracts for Uſury, and Symony, are regularly to be diſmiſſed upon motion, if they be the ſole effect of the Bill, and if there be no ſpeciall circumſtance to move the Court to allow them a proceeding, and all ſuits under the value of 10 l. are regularly to be diſmiſſed.

16. Diſmiſſions are properly to be prayed, and had either upon hearing or upon plea unto the Bill, when the cauſe comes firſt into the Court; but diſmiſſions are not to be prayed after the parties have bin at charges of examination, except it be upon ſpeciall cauſe.

17. If the plaintiffe diſcontinue his proſecution after all the defendants have anſwered, above the ſpace of one whole Tearme, the cauſe is to be diſmiſſed of courſe without motion; but after replication put in, no cauſe is to be diſmiſſed without motion and order of the Court.

18. Double vexation is not to bee admitted, but if the party ſue for the ſame cauſe at the common Law, and in Chancery, he is to have a day given to make his election where he will proceede, and in default of ſuch election to be diſmiſſed.

19. Where cauſes are removed by ſpeciall *Certiorari*, upon a Bill without matter of equity, the plaintiffe is upon receit of his Writ, to put in bond to prove his Suggeſtion within 14 days next after the receit, which if he do not prove from certificate of either of the examiners preſented to the Lord Chancellor, the cauſe ſhall be diſmiſſed with coſts, and a *Procedendo* to be granted.

20. No *Injunction* of any nature ſhall be granted, revived, diſſolved, or ſtayed upon any private petition.

21. No *Injunction* to ſtay ſuits ſhall be

be granted upon privity of ſuit only, or upon the ſurmiſe of the plaintiffes Bill only, but upon matter confeſſed in the defendants anſwer, or matter of report, or writing plainely appearing, or when the defendant is in contempt for not anſwering, or that the debt appeareth to be old, and hath ſlept long, or the creditor or debtor hath bin dead ſome long time before the ſuit was brought.

Whereas.

22. Where the defendant appeares not but ſits an attachment, or when he doth appeare and depart without anſwer, and is under attachment for not anſwering, or when he takes Oath he cannot make anſwer without ſight of Evidences in the Country, or where after anſwer he ſues at common Law by Attorney, and abſents himſelfe beyond the Sea: in theſe caſes an Injunction is to be granted for the ſtay of ſuits at the common Law, untill the party anſwer or appeare in perſon in Court, and the Court give further order. But nevertheleſſe upon anſwer put in, if there be no motion made the ſame Terme, or the next generall Seale after the Terme to continew the Injunction, in regard of the inſufficiency

of the anſwer, or in regard of the matter confeſſed in the anſwer, then the Injunction is to die and diſſolve without ſpeciall Order.

23. In the caſe aforeſaid when an Injunction is to be granted for ſtay of ſuit at common Law, if like ſuit be in Chancery either by *Scire facias*, or priviledge, or Engliſh Bill; then the ſuit is to be ſtayed by order of the Court, as it is in other Courts by Injunction, for that the Court cannot enjoyn it ſelf.

24. Where an Injunction hath bin obtained for ſtay of ſuits, and no proſecution is had for the ſpace of three Tearms, the Injunction is to fall of it ſelf without further motion.

26. Where a Bill comes in after an arreſt at the common Law for a debt, no Injunction ſhal be granted without bringing the principall money into Court, except there appeare in the defendants anſwer, or by ſight of writing plaine matter tending to diſcharging the debt in equity. But if an Injunction be awarded, and diſobeyed, in that caſe no money ſhall be brought in, or depoſited, in regard of the contempt.

26. Injunctions for poſſeſſions are not

to

to be granted before a Decree, but where the poſſeſſion hath continued by the ſpace of three years before the Bill exhibited, and upon the ſame title, and not upon any title by Leaſe or otherwiſe determined.

27. In caſe where the defendant ſits all the Proces of contempt, and cannot be found by the Serjeant at Armes, or reſiſts the Serjeant, or makes reſcue, a *Sequeſtration* ſhall be granted of the Land in queſtion, and if the defendant render not himſelf within the year, then an Injunction for the poſſeſſion.

28. Injunctions againſt felling of Timber, or plowing up of ancient paſtures, or for the maintenance of incloſures, or the like, ſhall be granted according to the circumſtances of the caſe, but not in caſe where the defendant upon his anſwer claymeth an eſtate of inheritance, except it be where he claimeth the Land in truſt, or upon ſome other ſpeciall ground.

Sequeſtrations.

29. NO *Sequeſtration* ſhall be granted but of Lands, Leaſes, or Goods in queſtion, and not of any other Lands

Lands or Goods not contained in the ſuite.

30. Where a Decree is made for Rent to be payd out of Land, or a ſum of money to be levyed out of the profits of Land, There a *Sequeſtration* of the ſame Lands being in the defendants hands may be granted.

31. Where the Decrees of the provinciall Councell, or the Court of Requeſts, or the Queenes Court are by continuance or other meanes interrupted: There the Court of Chancery upon a Bill preferred for corroboration of the ſame juriſdictions, decrees, and ſentences, ſhall give remedy.

32. Where any cauſe comes to hearing that hath bin formerly decreed in any other of the Kings Courts of Juſtice at Weſtminſter, ſuch Decrees ſhall be firſt read, and then to proceed to the reſt of the evidences on both ſides.

33. Suits after judgment may be admitted according to the ancient cuſtome of the Chancery, and the late royall deciſion of his Majeſty of Record after ſolemne and great deliberation. But in ſuch ſuits it is ordered that bond be put in with good ſureties to prove the Suggeſtions of the Bill.

34. Decrees

34. Decrees upon ſuits brought after Judgement, ſhall containe no words to make voyd or weaken the judgement, but ſhall onely correct the corrupt conſcience of the party, and rule him to make reſtitution, or performe other acts according to the equity of the cauſe.

Ordinances made by the Lord Chancellor, for the better and more regular adminiſtration of Iuſtice in the Chancery to be duly obſerved, ſaving the Prerogative of the Court.

35. THe Regiſters are to be ſworn, as hath bin lately ordered.

36. If any order ſhall be made, and the Court not informed of the laſt materiall order formerly made, no benefit ſhall be taken by ſuch order as granted by abuſe, and ſurreption, and to that end the Regiſters ought dayly to mention the former order and the latter.

37. No order ſhall be explained upon any private petition, but in Court, as they are made, and the Regiſter is to ſet down the orders as they were pronounced by the Court truly at his perill without troubling

troubling the Lord Chancellour by any private attending of him to explane his meaning. And if any explanation be desired, it is to be done by publique motion, where the other party may be heard.

38. No draught of any order shall be delivered by the Register to either party without keeping a Copy by him, to the end that if the order bee not entred, nevertheleſſe the Court may be enformed what was formerly done, and not put to new trouble and hearing; and to the end that knowledge of orders be not kept back too long from either party, but may presently appear at the Office.

39. Where a cauſe hath bin debated upon hearing of both parties, and opinion hath bin delivered by the Court, and nevertheleſſe the cauſe referred to treaty: the Registers are not to omit the opinion of the Court in drawing of the order of Reference, except the Court do ſpecially declare that it is entered without any opinion either way; In which cauſe nevertheleſſe the Registers are out of their ſhort notes to draw up ſome more full remembrance of that that paſſed in Court, to informe the Court

Court if the cauſe come back and cannot be agreed.

40. The Regiſters upon ſending of their draughts unto the councell of the parties, are not to reſpect the interlineations or alterations of the ſaid councell, be the ſaid councell never ſo great, further then to put them in remembrance of that which was truly delivered in Court, and ſo to conceive the order upon their Oath and duty without any further reſpect.

41. The Regiſters are to be careſull in the penning and drawing up of Decrees, and ſpeciall matters of difficulty and weight; And therefore when they preſent the ſame to the Lord Chancellor, they ought to give him underſtanding which are theſe Decrees of weight, that they may be read and reviewed before his Lordſhip ſigne them, &c.

42. The Decrees granted at the Rolls are to be preſented to his Lordſhip with the orders, whereupon they are drawn within two or three dayes after every Terme.

43. Injunctions for poſſeſſion, or for ſtay of ſuits after verdict, are to be preſented to his Lordſhip, together with the

the orders whereupon they go forth, that his Lordſhip may take conſideration of the order before he ſigne them.

44. Where any order upon the ſpeciall nature of the caſe ſhall be made againſt any of theſe generall rules, there the Regiſter ſhall plainly and expreſſely ſet down the particular reaſons, and grounds moving the Court to vary from the generall Rule.

References.

45. NO Reference upon a Demurrer or Queſtion touching the juriſdiction of the Court ſhall be made to the Maſters of the Chancery, but ſuch demurrers ſhall be heard and ruled in Court by the Lord Chancellor himſelfe.

46. No order ſhall be made for the confirming, or ratifying of any report without day firſt given by the ſpace of a ſenight at leaſt, to ſpeake to it in Court.

47. No reference ſhall be made to any Maſter of the Court, or any other Commiſſioners to heare and determine, where the cauſe is gone ſo far as to examination of witneſſes, except it be in ſpeciall caſes of parties near of bloud, or of extreme

treme poverty or by consent and generall reference of the state of the cause, except it be by consent of the parties to be sparingly granted.

48. No report shall be respected in Court, which exceedeth the warrant of reference.

49. The Masters of the Court are required not to certifiy the state of any cause. As if they would make breviates of the evidence on both sides, which doth little ease the Court, but with some opinion or otherwise, in such case they thinke it doubtfull to give opinion, and thereupon make such especiall certificate, the case is to go on to a judiciall hearing, without respect had to the same.

50. Matters of accompt unlesse it be in very weighty causes, are not fit for the Court, but to be prepared by reference, with this difference nevertheless that cause comes first to hearing, and upon the entrance into a hearing they may receive some direction, and be turned over to have the accounts considered, except both parties before hearing do consent to a reference of the examination of the accompt to make it more ready to a hearing.

51. The

51. The like course to be taken for the examination of Court Rolls upon customes, and copies which shall not be referred to any one Master, but to two Masters at the least.

52. No reference to be made of the insufficiency of an answer without shewing of some particular point of the defect, and not upon surmise of the insufficiency in generall.

53. Where trust is confessed by the defendants answer, there needeth no further hearing of the Cause, but a Reference presently to be made of the accompts and so to go unto a hearing of the accompts.

54. In all Suits where it shall appeare upon the hearing of the cause, that the plaintiffe had not *Probabilem causam litigandi* he shall pay unto the defendant his uttmost costs to bee assessed by the Court.

55. If any Bill, answer, replication or rejoynder shall be found of any inordinate length, both the party and the councell under whose hand it passeth, shal be fyned.

56. If there be contained in any Bill, Answer or other pleadings, or in any Inter-

Interrogatory any matter libellous, or ſlanderous againſt any that is not that party to the ſuit, or againſt ſuch as are parties to the ſuit upon matters impertinent, or in derogation of the ſettled authority of any of His Majeſties Courts, ſuch Bills, Anſwers, Pleadings or Intereſts ſhall be taken of the file, and ſuppreſſed; And the parties ſeverally puniſhed by commitment, or ignominy, as ſhall bee thought fit, for abuſe of the Court, and the Councellors at Law who have ſet their hands, ſhall likewiſe receive reproofe, or impriſonment, if cauſe require.

57. Demurrers and Pleas which tend to diſcharge the ſuit, ſhall be heard firſt upon every day of orders that the Subject may know whether he ſhall need further attendance or not.

58. A Demurrer is properly upon matter defective contained in the Bill it ſelfe, and no forraigne matter but a Plea is of a forraine matter to diſcharge, or ſtay the ſuit, as that the cauſe hath beene formerly diſmiſſed, or that the Plantiffe is outlawed, or excommunicated, or there is another Bill depending for the ſame cauſe, or the like. And ſuch Plea may

may be put in without Oath, in caſe where the matter of Plea appeares of Record; but if it be any thing that doth not appeare upon Record, the Plea muſt be upon Oath.

59. No Plea of outlary ſhall be allowed without pleading the Record *ſub pede ſigilli*, nor Plea of Excommunication without the Seale of the Ordinary.

60. Where any ſuit appeareth upon the Bill to be of the natures which are regularly to be diſmiſſed, according to the 25. Ordinance, ſuch matter is to be ſet forth by way of Ordinance.

61. Where any anſwer ſhall be certified inſufficient, the defendant is to pay coſts. And if a ſecond anſwer be returned inſufficient in the point before certified inſufficient, then double coſts, and upon the three treble, and upon the foure quadruple coſts, and then to be committed alſo till he hath made a perfect anſwer. And to be examined upon Interrogatories touching the points defective in his anſwer; but if any anſwer be certifyed ſufficient, then the Plantiffe is to pay coſts.

62. No inſufficient anſwer can bee taken

taken hold of after replication put in, becauſe it is admitted ſufficient by the Replication.

63. An anſwer to a matter charged as the defendants own fact, muſt be direct without ſaying it is to his remembrance, or as he believeth if it be layd downe to be done within ſeven years before. And if the defendant deny the fact, hee muſt traverſe it directly, and not by way of negative pregnances; as if a fact be layd to be done with divers circumſtances, the Defendant may not traverſe it literally as it is ſaid in the Bill, but muſt traverſe the point of ſubſtance. So if he be charged with the reccipt of an hundreth pounds, he muſt traverſe that he hath not received 100 l. or any part thereof. And if he hath received any part he muſt ſet forth what part.

64. If a hearing be prayed upon Bill, and anſwer, the anſwer muſt be admitted to be true in all points, and a Decree ought to be made but upon hearing the anſwer read in Court.

65. Where no councell appeares for the Defendant at the hearing, and Proces appeares to have bin ſerved, the anſwer of ſuch defendant is to be read in Court.

66. No new matter is to be contained in any Replication, except it be to voyd matter ſet forth in the Defendants anſwer.

67. All copies in Chancery ſhall contain 15 lines in every ſheet thereof, written orderly, and unwaſtfully; unto which ſhall be ſubſcribed the name of the principall Clarke of the Office, wherein it is written, or his deputy for whom he will anſwer, for which only ſubſcription, no Fee at all ſhall be taken.

68. All Commiſſions for examinations of witneſſes ſhall be *ſuper interr'. inclus.* onely and no returne of depoſitions into the Court ſhall be received, but ſuch only as ſhall be either compriſed in one Roll, ſubſcribed with the name of the Commiſſioners, or elſe in diverſe Rolls, whereof each one ſhall be ſubſcribed.

69. If both parties joyne in Commiſſion, and upon warning given, the Defendant bring his Commiſſioners, but produceth no witneſſe, nor miniſtreth Interrogatives, but after ſeekes a new Commiſſion, the ſame ſhall not be granted; But nevertheleſſe upon ſome extraordinary excuſe of the Defendant, and default he may have liberty granted by ſpeciall order

order to examine his witneſſes in Court upon the former Interrogatories, giving the Plantiffe or his Attourney notice that he may examine alſo if he will.

70. The Defendant is not to be examined upon Interrogatories, except it be in ſpeciall cauſes by expreſſe order of the Court, to ſift out ſome fraud or practice pregnantly appearing to the Court, or otherwiſe upon offer of the Plantiffe to be concluded by the anſwer of the Defendant without any liberty to diſprove ſuch anſwer, or to impeach him after of perjury.

71. Decrees made in other Courts, may be read upon hearing, without the warrant of any ſpeciall order, but no depoſitions taken in any other Court are to be read but by ſpeciall order, and regularly the Court granteth no order for reading of depoſitions, except it be between the ſame parties, and upon the ſame title or cauſe of ſuit.

72. No examination is to be had of the credit of any witneſſe, but by ſpeciall order, which is likewiſe ſparingly to be granted.

73. Witneſſes ſhall not be examined in *perpetuam rei memoriam*, except it be upon

the ground of a Bill first put in, an answer thereunto made and the defendant or his Atturney made acquainted with the names of the witnesses, that the Plantiffe would have examined, and so publication to be of such witnesses; with this restraint nevertheless that no benefit shall be taken of the deposition of such witnesses, in case they may be brought *viva voce*, upon the tryall, but only to be used in case of death before the tryall, or age, or impotency or absence out of the Realm at the tryall.

74. No witnesses shall be examined after publication, except it be by consent or by speciall order, *ad informand. conscientiam Judicis*, and then to be brought close sealed up to the Court to peruse, or publish as the Court shall thinke good.

75. No Affidavit shall be admitted or taken by any Master of the Chancery, tending to the prooffe or disproofe of the matter in question, or touching the merits of the cause, neither shall any such matter be colourable inserted in any Affidavit for the serving of Proces.

76. No Affidavit shall be taken against Affidavit, as far as the Master of Chancery

cery can have knowledge; And if any ſuch be taken the later Affidavit ſhall not be uſed or read in Court.

77. In caſe of contempts, grounded upon force or ill words upon ſerving of Proces or upon words of ſcandall of the Court, proved by Affidavit, the party is forthwith to ſtand committed. But for other contempts againſt Orders or Decrees of the Court, an attachment goes forth firſt upon the Affidavit made, and then the party is to be examined upon Interrogatories, and his examination referred. And if upon his examination he confeſſe matter of contempt, he is to be commited; if not, the adverſe party may examine witneſſes to prove the contempt, and therefore if the contempt appeare, the party is to be examined. But if not, or if the party that purſues the contempt doe faile in putting in Interrogatories, or other proſecution in proofe of the contempt, then the party charged with the contempt is to be diſcharged with good coſts.

78. They that are in contempts, ſpecially ſo far as Proclamation of Rebellion, are not to be heard, neither in that ſuit nor any other, except the Court of ſpe-

ſpeciall grace ſuſpend the contempt.

79. Impriſonment upon contempts for matters paſt, may be diſcharged of grace after ſufficient puniſhment, or otherwiſe diſpenſed with; but if the impriſonment be for not performance of any order of the Court in force they ought not to be diſcharged except they firſt obey; but the contempt may be ſuſpended for a time.

Petitions.

80. INjunctions, Sequeſtrations, Diſmiſſions, Retinues upon Diſmiſſions or finall orders are not to be granted upon Petitions.

81. No former order made in Court is to be ordered, croſſed or explained upon any Petition, but ſuch orders may bee ſtayed upon Petition for a ſmall ſtay till the matter may bee moved in Court.

82. No Commiſſion for examination of witneſſes ſhall be diſcharged, nor no examination or depoſition ſhall be ſuppreſſed upon Petition, except it be upon point of the courſe of the Court firſt referred to the Clarkes, and Certificate thereupon.

83. No

83. No Demurrer ſhall be over ruled upon Petition.

84. No *Scire facias* ſhall be awarded upon Recognizance not inrolled, nor upon Recognizance inrolled, unleſſe it it be upon examination of the Record with the Writ, nor no Recognizance ſhall be inrolled after the yeare, except it be by ſpeciall order from the Lord Chancellor.

85. No Writ of *Ne exeat Regnum*, Prohibition, Conſultation, Statute of *North. Certiorari* ſpeciall, or *procedendo* ſpeciall, or *Certiorari* or *procedendo* generall more then once in the ſame cauſe, *Habeas corpus*, or *Corpus cum cauſa, vi laica removend.* or reſtitution thereupon *de Coronat. & viridario elegend.* in caſe of a moving *de homine repleg. aſſize.* a ſpeciall Pattent *inde, ballios. amovend. Certiorar. ſuper preſentationibus fac coram Commiſſionar ſever*, or *ad quod dampn.* ſhall paſſe without warrant under the Lord Chancellors hand, and ſigned by him ſave ſuch Writs of *ad qd. dampn.* as ſhall be ſigned by *Mr.* Attourney.

86. Writs of priviledge are to be reduced to a better rule, both for the number of perſons that ſhall be priviledged,

ed, and for the caſe of the priviledge. And as for the number, it ſhall be ſet down by ſcedule. For the caſe, It is to be underſtood that beſides the parties priviledged as attendants upon the Court, ſutor and witneſſes are only to have priviledge *eundo*, *redeundo*, *& morando*, for their neceſſary attendance, and no otherwiſe, and that ſuch Writ of priviledge diſchargeth only an arreſt upon the firſt Proces. But yet where at ſuch times of neceſſary attendance the party is taken in execution, it is a contempt to the Court, and accordingly to be puniſhed.

87. No Supplicavit for the good behaviour ſhall be granted, but upon Articles grounded upon the Oath of two at the leaſt, or Certificate of any one Juſtice of Aſſize, or two Juſtices of the peace; with Affidavit, that it is their hands, or by order of Star Chamber or Chancery, or other of the Kings Courts.

88. No Recognizance of the good behaviour, and the peace taken in the County, and certified into the Pettibagge ſhall be filed in the Yeare, without warrant from the Lord Chancellor.

89. Writs

89. Writs of *ne exeat regũ*. are properly to be granted according to the ſuggeſtion of the Writ in reſpect of attempt prejudiciall to the King, and State, in which caſe the Lord Chancellor will grant them upon Prayer of any the principall Secretaries without cauſe ſhewing, or upon ſuch information as his Lordſhip ſhall thinke of weight. But otherwiſe alſo they may be granted according to the practice of long time uſed in the caſe of enterlaps in trade, great banckerouts in whoſe eſtate many Subjects are intereſſed, or other caſes that concerne multitudes of the Kings ſubjects, alſo in caſe of Duels and divers others.

90. All Writs, Certificates and whatſoever other Proces *Retorñ. coram dño. Rege in Canc.* ſhall be brought into the Chappell of the Rolls within convenient time after the returne thereof, and ſhall bee there fyled upon the proper fyles and bundles, As they ought to be, except the depoſitions of witneſſes which may remaine with any of the ſix Clarks by the ſpace of one yeare next after the cauſe ſhall be determined by decree or otherwiſe diſmiſſed.

91. All Injunctions ſhall be inrolled,

or

or the tranſcript fyled, to the end that if occaſion be, the Court may take order to award Writs of *Scire facius* thereupon as in ancient time hath beene uſed.

92. All dayes given by the Court to Sheriffes to returne their Writs, or bring in their priſoners upon Writs of priviledge, or otherwiſe betweene party and party, ſhall be fyled either in the Regiſters Office, or in the Pettibagge reſpectively. And all Recognizances taken to the Kings uſe, or unto the Court, ſhall be duly enrolled in convenient time with the Clarkes of the enrollment, and Calenders made of them, and the Calenders every *Michaelmas* Terme to bee preſented to the Lord Chancellor.

93. In caſe of ſuit upon the Commiſſions for charitable uſes, to avoid charge, there ſhall neede no Bill but onely exceptions to the Decree, and anſwer forthwith to be made thereunto. And thereupon and upon ſight of their Inquiſition, and the Decree brought unto the Lord Chancellor by the Clarke of the Pettibagge, his Lordſhip upon peruſall thereof will give order under his hand for

for an abſolute Decree to bee drawne up.

94. Upon ſuit for the Commiſſion of Sewers, the names of thoſe that are deſired to be Commiſſioners, are to be preferred to the Lord Chancellor in writing, then his Lordſhip will ſend the names of ſome Privy Councellors Lieutenant of the Shire. Juſtice of Aſſize, being reſident in the parts, for which the Commiſſion is to be prayed to conſider of them, that they be not put in for private reſpects. And upon the returne of ſuch opinion his Lordſhip will give further order for the Commiſſion to paſſe.

95. No new Commiſſion of Sewers ſhall be granted whiles the firſt is in force, except it be upon diſcovery of abuſe or fault in the firſt Commiſſioners, or otherwiſe upon ſome great or weighty ground.

96. No Commiſſion of banquerupt ſhall be granted but upon petition firſt exhibited to the Lord Chancellors, together with names preſented, of which his Lordſhip will take conſideration, and alwayes ſingle ſome learned in the Lawes with the reſt; yet ſo as care be taken that

that the ſame parties be not ſo often uſed in Commiſſions, and likewiſe care is to be taken that bond with good ſureties be entred into in 200 l. at the leaſt to prove him a banckerupt.

97. No Commiſſion of delegats in any caſe of weight ſhall be awarded but upon petition preferred to the Lord Chancellour, who will name the Commiſſioners himſelfe, to the end they may be perſons of convenient quality, having regard to the weight of the cauſe, and the dignity of the Court, from whom the appeale is, &c.

98. Any man ſhall be admitted to defend *in forma pauperis* upon Oath; but for the Plantiffe, they are ordinarily to be referred to the Court of Requeſts, or to the provinciall councells, if the cauſe ariſe in their juriſdiction, or to ſome Gentlemen in the County, except it be in ſpeciall cauſes of commiſeration or potency of the adverſe party.

99. Licences to collect for loſſe, for Fire or Water, are not to be granted but upon good certificate, and not for decayes of ſuretyſhip or debt, or any other caſualty whatſoever. And they are to be directed ever unto the County, where the loſſe

loſſe did ariſe, if it were by Fire, and the Counties that lie about upon it, as the caſe ſhall require. And if it were by Sea then unto the County where the port is, from whence the Ship went, and to ſome Countries adjoyning.

100. No exemplification ſhall be made of Letters Patents *inter alia* with omiſſion of the generall word, nor of Records made voyd or cancelled, nor of the decrees of this Court not enrolled, nor of depoſitions by parcells or fractions, omitting the reſidue of the depoſitions, nor of depoſitions in the Court, to which the hand of the Examiner is not ſubſcribed, nor of Records of the Court not being inrolled or fyled, nor of Records of any other Court before the ſame be duly certifyed to this Court, and orderly fyled here, nor of any Records upon the ſight and examination of any copy in paper, but upon ſight and examination of the originall.

101. And becauſe time and experience may diſcover ſome of theſe rules to be inconvenient, and ſome other to be fit to be added, Therefore his Lordſhip intendeth in any ſuch caſe from time to time to publiſh any ſuch revocations or additions.

Or-

Ordinances *made by* Thomas *Lord Coventry, Lord Keeper of the great Seale of England, with the advice and assistance of the Right Honourable Sir* Julius Cæsar *Knight, Master of the Rolls, in the Terme of St.* Michael *the Archangell, in the eleventh Yeare of the Raigne of our Soveraigne Lord King* Charles, *for the redresse of sundry Errors, Defaults and Abuses in the high Court of Chancery*, 17. Novemb. 1635.

Brevity in Bills, Answers, &c.

THat Bills, Answers, Replications, and Rejoynders be not stuffed with repetition of Deeds, or writings *in hæc verba*, but the effect and substance of so much of them onely as is pertinent and materiall to be set downe, and that in effectuall and briefe Termes that long and needlesse Traverses of points not Traversable, nor materiall, causeless recitalls, Tautologies, and multiplication of words, and all other impertinencies occasioning needlesse prolixity be avoided, and the ancient brevity and succinctnesse in Bills, and other pleadings restored, and upon any default herein the party and councell under whose

whoſe hand it paſſeth, ſhall pay the charge of the copy, and be further puniſhed as the caſe ſhall merit.

2. When Defendants have anſwered the Plantiffes, their councell are ſeriouſly to adviſe of the anſwers, and if they finde that upon the anſwer alone, without further proofe, there be ſufficient ground for an order or decree to proceed upon the anſwer without further lengthning the cauſe, or if it be needfull to prove one or a few particular points, to reply unto thoſe points, and not to draw into pleading or proofes any more than thoſe neceſſary points, thereby making long books, and putting both ſides to unneceſſary charges, the defaulters herein to be puniſhed by paying the charge of the copies, or otherwiſe, as the cauſe ſhall require. Replication to fitting points.

3. That interrogatories for examining witneſſes be drawn onely upon points materiall, and not upon matters which are either confeſſed in the pleadings, or are impertinent and needleſſe to be proved; That the articles which are uſually thruſt into the beginning of every Schedule of interrogatires, as it were of forme or courſe, touching the witneſſes know- Interrogatories.

ledge

ledge of parties, plaintiffes or defendants of the Lands, Towns, and places in the pleadings, and the like, be not ſo needleſly uſed as they are, but if for croſſe examining any witneſſe, or for other ſpeciall reaſon, it ſhall be neceſſary to miniſter any ſuch queſtion, every man is left at liberty to do therein as much as ſhall be pertinent and needfull in a due and fitting place; and if any ſhall offend againſt this, the party and ſuch as drew the interrogatories ſhall be puniſhed by paying as much as the other ſide is by that meanes over-charged in copies, and further as the caſe ſhall merit.

Examinā. of witneſſes to pertinent matters.

4. When the parties are at iſſue, and do proceed to examination of witneſſes either in Court, or by Commiſſion, as the interrogatories are to be pertinent and materiall, ſo the witneſſes are to be ſorted by thoſe that produce them, that they may be examined upon ſuch interrogatories as are proper and fit for them, and not to examine a multitude of witneſſes upon a multitude of queſtions altogether unkown to them, as it is too frequently done upon paine that where any groſſe abuſe or default herein ſhall be made appeare to the Court, the defaulter ſhall pay as much as the other ſide is by that means overcharged

ed in copies, and shall be further punished if the Court see cause.

5. When a Commission is awarded to examine witnesses, if by the default of him that hath the carriage of the Commission or his Commissioners, nothing is done, he shall bear all the charge that the other side was put upon about that Commission, either for fees of Court, bringing, or entertaining Comissioners or witnesses, or other wise to be ascertained by the oath of the party, or of him that disbursed the money for him, and shall renew the Commission at his own charges. Default of execution of Commissioners.

6. When a Commission is awarded to examine witnesses, and the one side produceth and examineth all his witnesses, and the other side doth not, but pray a new Commission, if it be granted, he shall bear all the charge of the renewed Commission both in Court and in the Countrey, as wel for the charge & entertainment of his own Commissioners, as of the Commissioners of the other side, and the other side shal be permitted to crosse examine the witnesses produced by him that reneweth the Commission; but if he will examine any other witnesses of his own, then he shall bear his own part of the charge, the charges herein Side.

mentioned to be aſcertained by the Oath of the party, or of him that diſburſed the money for him.

Commiſſion renued.

7. He at whoſe inſtance a Commiſſion to examine witneſſes after a former commiſſion executed & returned is once renewed, and he by whoſe default, or by default of his commiſſioners a former cõmiſſion was not executed, and thereupon it is renewed, ſhall at his perill examine all his witneſſes by that renewed Commiſſion, or examine them in court by theend of the terme wherin that renewed cõmiſſion is retournable, without any more, or further delay.

Interrogato. not to be changed or augmented.

8. When witneſſes are examined in court upon a Schedule of interrogatories, there ſhall be no new interrogatory put in to examine the ſame witneſſes, but the witneſſes ſhall be examined only upon ſuch interrogatories as were exhibited before the witneſſes to be examined were ſworn; neither ſhall any witneſſes be examined in court after the day of publication, though they were ſworn before, ſo as a copy of the rule of publication be delivered to the examiner, whereby he may take knowledge of the publication.

No witneſſes to be examined after publication.

No alteration of depoſitions.

9. When witneſſes are examined in Court, they ſhall perfect and ſubſcribe their

their depoſitions unto ſuch interrogatories as they have anſwered before they depart from the Examiner, or his deputy, and ſhall not be permitted to make any alterations thereof at any time after, without leave of the Court, unleſſe it be in ſome circumſtance of time, or the like, or for making perfect of a ſum upon view of any deed, book, or writing which the witneſſes ſhall ſhew to the Examiner, before hee admit of ſuch alteration.

The ſix Clarkes to informe themſelves of their Clients cauſes.

10. The ſix Clarks who are the onely Attournies in this Court, ought to inform themſelves continually of the ſtate and proceedings of their Clients cauſes, whereby they may be able to defend their Clients, and to give account to the Court as the Attournies in all other Courts doe, and not to leave the care and knowledge thereof upon their under Clarks who attend not in Court; and the Clients and ſuch as follow their cauſes are to acquaint their Attournies for that purpoſe.

Cauſes ſet down for triall.

11. Such as deſire to have their cauſes ſet down for hearing, muſt repaire to the ſix Clark that is Attourney in the cauſe, at leaſt ſix dayes before the end of the Term, that the ſix Clark may inform himſelf of the ſtate of the cauſe of the long or ſhort

dependence thereof in Court, of the antiquity of publication, of the weight or value of the cauſes, and all other circumſtances materiall, to informe the L. Keeper, or the Maſter of the Rolls at the time of ſetting down of cauſes, and the ſix Clark may not refuſe to offer the ſame to be ſet downe, if he be attended in ſuch due time as aforeſaid, nor come unprepared to inform the L. Keeper or Maſter of the Rolls of the nature and circumſtance of the cauſe aforeſaid, and neither he, nor any of his under-Clarks, nor any other are to take any Fee, Gratuity, or Reward for the ſame.

Drawing of Orders. 12. The Regiſters in drawing up orders ſhall uſe all convenient brevity according to the manner of ancient times, they ſhall mention the materiall Reports, Affidavits, and former Orders upon which any new Order is grounded to have been read, but ſhall not repeat the ſame, they ſhall not unleſſe it be by ſpeciall direction of the Court, fill any Order with the diſputes of Councell, nor with reaſons and allegations *pro et con*, nor mention any reaſons but ſuch on which the court relyed in making the Order, and thoſe with brevity and clearneſſe; and if they deliver a draught or copy of any order to be peruſed by councell,

cell, if it be not brought back within 24. houres, they ſhall enter the order without attending any longer for an anſwer from councell; only they ſhall forbear the entries of decrees, and diſmiſſions, untill they be ſigned, that the L. Keeper and the Maſter of the Rolls may reform them, if there be cauſe at the ſigning.

13. Whereas the exceſſive and unneceſſary length and charge of writs *de executione decreti* have been complained of, from henceforth unleſſe the party that ſueth out ſuch Writ ſhall deſire that the whole Decree as it is ſigned and inrolled be therein recited, the Writ, if it be only for payment of money, ſhall make no other recitall but to this or the like effect, *Cum per quoddam Decretum in cur. Cancellar. noſtr. die Anno Regni noſtri ordinat. & adjudicatum exiſtit quod tu ſolveres* A. B. *centum lib. legal. monetæ Angl. tibi præcipimus & firmiter injungend. mandamus quid præd. centum lib. præfat.* A. B. *debito modo ſolvas et hoc nullatenus omittas periculo incumbente.* And if the money by the Decree be payable at certain daies, or places, then the ſame daies and places to be expreſſed in the Writ without any further recitall, and if the decrees be for doing other things to be performed by

Bre. de executione decreti.

the party or parties to whom the ſaid writ is directed, then no more ſhall be recited in the writ but the very decretall order, unleſſe the decretall order do in ſuch manner refer to a report, or certificate, as without recitall of thoſe points of the report, or certificate which are to be performed by the parties to whom the ſaid writ is directed, it will not appeare what is to be by them performed, and in that caſe ſo much of the report, or certificate as is to be performed by the ſaid parties ſhall be recited, and the order confirming the ſame, and no more, unleſſe it be deſired by the party ſuing out the ſaid writ, and the Fee thereof to be paid, ſhall be after the rate preſcribed in the Table of Fees, and no more.

Demurrers. 14. Every demurrer ſhall containe the cauſes of the demurrer, and the counſell who ſet their hands to it, are to beware that thoſe cauſes be not triviall, and where a demurrer or plea is grounded upon the ſubſtance and the body of the matter, it ſhall be determined in open Court without reference, and the Regiſter at the inſtance of the party demurring, ſhall without any fee put into the paper of cauſes after the hearing and aſſigning a ſpeedy day to every one in order, as he commeth

to

to require it, and if the defendant who demurred make no ſuch inſtance to the Regiſter within eight daies after the Plea and demurrer is put in Court, the ſame without any motion ſhall be diſallowed of courſe as put in for delay, and the defendant ſhall pay ordinary coſts, provided that the Regiſter doe not without ſpeciall warrant put above two of thoſe demurrers into the paper upon one day.

15. If the demurrer be grounded only upon ſome error, ſlip, or miſtaking in the Bill, no reference ſhall be made thereof for a week after it comes in, but the plaintife without any motion ſhall be admitted of courſe to amend the ſaid error, ſlip, or miſtaking, paying to the defendant, or his Attorney for his uſe coſts as the ſix clarks not towards the cauſe ſhall think fit, but if the Plantife in that time do not amend or alter it, then if the defendant do nothing therein within a week following, by getting it ruled or referred, it ſhall be diſallowed of courſe without any motion as put in for delay, and the defendant ſhall pay ordinary coſts: but if the Plantife not amending the ſame as aforeſaid, it be ruled againſt him upon reference, or otherwiſe, he ſhall pay the ordinary coſts. Demurrers.

Exceptions to an answer

16. When a Plaintife excepteth to a Defendants answer, he shall set down his exceptions in writing, and deliver it to the councell whose hand is to the answer, or to the defendants Attorney in Court, and if the Defendants do within a week satisfie the Plaintife of the invalidity of his exceptions, or amend the answer in the same time, or agree with the Plaintife, or his Attourny, or Sollicitor to amend it by such a time as shall be agreed on between them, and do amend it accordingly without putting the Plaintife to obtain a Reference, or make any motion thereabouts, then the Defendant shall pay no costs; and if any Plaintife shall presse and procure a Reference within this time, or before this course taken, the reference shall be void, as obtained surreptitiously; But if the Defendant do neither satisfie the Plaintife, nor amend his answer in manner aforesaid, then if upon Reference or otherwise his answer be ruled insufficient, he shall pay costs according to the course of the court.

References to Masters.

17. The Master of the Court shall prefix convenient, but not overlong dayes for hearing such matters as are referred to them, and at the times prefixed shall proceed without admitting any fained or dilatory

latory excuſes, eſpecially that councell are otherwiſe imployed, or cannot attend, or are not inſtructed (there having bin notice and time enough allowed) or the like, and after the dayes ſhall ſpeedily ſend in their Reports, for the eaſe of the Clients attendance, which cannot but draw great charge.

18. If the caſe be ſuch as the Maſter cannot proceed in the abſence of either party, or his Councell without juſt cauſe abſenting, the Maſter is preſently to certifie the Court of the default, that the defaulters may be puniſhed by commitment, coſts, or otherwiſe, as the cauſe ſhall merit, and if the Maſter do uſe or willingly admit any groſſe delay, the reference is to be removed, and the Maſter rebuked by the court.

19. The Maſters of the court are not upon the importunity of councell, or Clients to make ſpeciall certificates of matters wherein the Court expects an opinion from them, nor are to do it, but where their own judgements in reſpect of difficulty leadeth them to it, it occaſioning for the moſt part a needles trouble to the court and both delay and expence to the party.

20. No reference ſhall be to a Maſter whether an injunction ſhall be granted or not,

not, but the ſame to paſſe upon the opinion and judgement of the Court; but if the Court think the matter informed ſufficient for an injunction, but is doubtfull of the truth in any poynt of the informatiō: The Court when it cannot otherwiſe be fitly done, may be certified thereof by a Maſter who is then to certifie not only whether the information be in ſubſtance true, but if there appear other matter to confeſſe and avoid, or otherwiſe ballance that information, he muſt not conceale it, but give the Court a clear and true information.

21. No References are to be made either to Maſters, or others (unleſſe it be by aſſent on both ſides) to heare and determine the cauſe upon all the proofes or otherwiſe; but when the Court hath heard it, and reduced it to particular points; eſpecially if theſe points have relation to accompts, or matter of that nature, the Court may fitly leave ſuch to be reduced to certainty by a Maſter.

Certificate of Referrences.

22. The Regiſter ſhall within ten daies after the end of every Term certifie to the Lord Keeper what references depend in the hand of any Maſter, and how long they have depended, that if any of them have depended

depended overlong, the court may require an account thereof from the Master, and quicken him to a speedy dispatch.

23. When a Master certifieth the sufficiency or insufficiency of an answer, Plea, or demurrer, if either party rest not in the report, but trouble the Court to determin it, if the Masters report be confirmed, he that oppoſeth it shall pay double costs.

References to be briefe.

24. Where the Masters of the Court do sometime by way of inducement fill a leaf or two of the beginning of their Reports, and sometimes more with a long and particular recitall of the severall points of the orders of reference, they shall forbear such iterations, the same appearing sufficiently in the orders, and without any other repetition then thus, according to an order, or by direction of an order of such a date, shall fall directly into the the matter of their Report, setting down the same clearely but as briefly as they can, for the ease both of the Court, and the parties.

Needlesse motions.

25. That Counsellors be carefull what motions they make, and especially that they move not for any thing which may be had of course without motion, nor for such thing as cannot be granted, as being a constant rule of the Court or common

Justice,

Juſtice, nor yet for ſuch things, as being granted, ſerve for little or no purpoſe. And before they move the Court, they be ſure to be well informed and inſtructed, leſt if the orders obtained by them upon miſinformation to be after avoided, their Clients or themſelves be deſervedly puniſhed with coſts, or otherwiſe.

Croſſe motions.

26. When orders be made, eſpecially if it be upon hearing of councell on both ſides, or after day to ſhew cauſe given, and none ſhewed, there being a timely notice, both ſides are to reſt in it without troubling the Court with new motions to croſſe it, unleſſe the councellour that moves it, be ſure that the matter he hath to croſſe it, be weighty and important, and will be well proved upon the motion; ſuch as ſhall do the contrary are to be puniſhed with good coſts, and otherwiſe, as the Court ſhall finde cauſe.

Councellors hands to Bills, Anſwers, &c.

27. That no Councellour put his hand to a Bill, Anſwer, or other pleading, unleſſe it be drawn by himſelfe, or at leaſt peruſed by himſelfe in the paper draught before it be ingroſſed, and that the Counſellour that puts his hand to any ſuch, ſhal be anſwerable for all things therein, either againſt theſe orders or any other the orders

ders or rules, of the court, exeept only ſuch things as are not to be miſliked but for untruth, for which the Client if he informed it, or ſuch as cauſed it to be put in without his warrant or information, ſhall be anſwerable.

28. If any Counſellours ſhall preſume to move for one in *forma pauperis* that is not ſo admitted, and ſhall under that pretence move a ſecond motion, the Regiſter ſhall enter neither of his orders, but ſhall within foure dayes acquaint the L. Keeper, or Maſter of the Rolls with the abuſe, that he that did it may be condigney puniſhed. Motions in Forma Pauperis.

29. Councellours before they take on them to informe by motion, or otherwiſe that any thing is contained in the Bill, Anſwers, Pleadings, Proofes publiſhed, or in any deeds or records, ought to be carefull in peruſing the ſame themſelves, and not to reſt upon the information of the Client, or his Sollicitor, who cannot ſo well judge of them, and whoſe part it is to produce thoſe things unto the Councellors, but it is the Councellors part to direct how far forth the ſame are to be preſſed or urged to the Court, and they are to ſuſtain the blame or puniſhment, if either wittingly Miſinformation to the Court.

ly or negligently, for want of reading or peruſing, they abuſe the Court therein.

Petitions. 30. For avoiding a multitude of idle Petitions drawne by perſons altogether ignorant of the orders and courſe of the Court, ot the true ſtate of the Petitioners buſineſſe, that petitions before they be preſented to the L. Keeper, or the Maſter of the Rolls be ſhewed to the ſix Clark, who is the petitioners Attourney in Court, or to his, and by him approved and ſubſcribed, for which no Fee ſhall be taken, and this is not to be underſtood of petitions adviſed and ſigned by Councell, nor petions containing any matter of complaint againſt the Attourney or his underclark.

Clarkes to write fairely and conſcionably. 31. All the Clarks of this Court, in copying, ingroſſing, inrolling, or other writing, ſhall do the ſame fairely, orderly, and Clark-like, not doing it waſtfully, nor in leſſe Skins or rolls of parchment, or leaves of Paper then ought to be, thereby increaſſing their own and their Maſters profit, or the Subjects charge; and if the Maſter of the Office upon complaint to him, do not do right therein, the Lord Keeper, or the Maſter of the Rolls ſhall puniſh both the Maſter

Maſter and the Clark, and yeeld recompence to the complainant uponcomplaint made to either of them, within two Terms after the offence done.

Tho. Coventry C.S.

Novemb. 17. 1635.

Jul. Cæſar.

FINIS.